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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

* * * * *

UNITED STATES OF AMERICA

v.

SERGIO MARTINEZ,

Defendant.

* * * * *

No. 1:18-cr-00033-01-JL
October 8, 2019
9:10 a.m.

TRANSCRIPT OF DAY SIX OF JURY TRIAL

BEFORE THE HONORABLE JOSEPH N. LAPLANTE

APPEARANCES:

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AUSA Georgiana Konesky
United States Attorney's Office (NH)

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I N D E X

WITNESSES:

DIRECT CROSS REDIRECT RECROSS

DARLENE TIRONE

By Ms. Konesky

4

By Mr. Keefe

16

ALICIA MORAN

By Ms. Konesky

22

By Mr. Keefe

36

SCOTT MOORE

By Ms. Konesky

40

By Mr. Sheketoff

44

JUAN INFANTE

By Mr. Aframe

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By Mr. Sheketoff

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EDUARD AMPARO

By Mr. Aframe

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E X H I B I T S

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P R O C E E D I N G S

THE CLERK: All rise for the Honorable Court. The Court has before it for consideration this morning Day 6 of the jury trial in Criminal Case 18-cr-33-01-JL, United States of America versus Sergio Martinez.

THE COURT: Good morning ladies and gentlemen of the jury. Welcome back to court. Have any of you had any conversations with each other or anyone else regarding the trial during the recess? Have any of you done any kind of independent research or investigation on the case in any source during the recess? All right. There being no affirmative answer, we'll proceed.

Just a reminder, a couple of things, just housekeeping details. Tomorrow we're in recess because of another proceeding I have to conduct. It's an all-day proceeding. Plus, it's a religious holiday for some faiths. Also, today the lunch break will be at about 1:00 p.m., not the normal 12:30.

All right. Let's proceed.

MS. KONESKY: Thank you, your Honor. The United States calls Darlene Tirone.

THE CLERK: Please stand and raise your right hand
DARLENE TIRONE, having been duly sworn by the Clerk, was examined and testified as follows:

THE CLERK: And, for the record, could you state your

1 full name and spell your last name.

2 THE WITNESS: Darlene Tirone, T-i-r-o-n-e.

3 THE CLERK: Thank you. Please be seated.

4 DIRECT EXAMINATION

5 BY MS. KONESKY:

6 Q. Good morning, Ms. Tirone.

7 A. Good morning.

8 Q. How old are you?

9 A. Forty-three.

10 Q. And are you currently serving a prison sentence?

11 A. Yes.

12 Q. Where are you serving that sentence?

13 A. Carswell, Texas. Forth Worth Texas.

14 Q. And is that a federal prison?

15 A. Yes.

16 Q. Before you were in jail where did you live?

17 A. In Seabrook, New Hampshire.

18 Q. And where are you from originally?

19 A. Massachusetts.

20 Q. How long have you lived in New Hampshire?

21 A. About 14 years.

22 Q. Do you have any children?

23 A. Yes.

24 Q. How old?

25 A. 24-year-old son.

1 Q. Ms. Tirone, before you were sent to jail what did you do
2 for work?

3 A. Restaurant work.

4 Q. Okay. And have you been diagnosed with any mental-health
5 issues?

6 A. Depression.

7 Q. Do you take any medication for that?

8 A. Yes.

9 Q. Other than the crime you're serving a sentence for, which
10 we'll talk about in a minute, have you previously been
11 convicted of any crimes?

12 A. Minor crimes, yes.

13 Q. Okay. Can you just briefly summarize what those are.

14 A. There was a few domestic-related issues in my 20s, a few
15 driving issues, and a willful concealment.

16 Q. Okay. Now, what are you currently serving a sentence for?

17 A. Conspiracy distribution.

18 Q. Of what?

19 A. Fentanyl.

20 Q. And what sentence did you receive?

21 A. Thirty-six months.

22 Q. How much of that sentence do you have left to serve?

23 A. Eleven months.

24 Q. Ms. Tirone, in exchange for your testimony today, do you
25 hope to receive anything?

1 A. I hope to receive a sentence reduction, but --

2 Q. Okay. And if you would like to receive that, what is it
3 you have to do?

4 A. Truthfully answer your questions.

5 Q. Okay. And do you have any promise or agreement with the
6 government about any specific sentence reduction that you might
7 get?

8 A. No, no.

9 Q. And who is it that ultimately determines whether or not
10 you get a sentence reduction and how much that would be?

11 A. The judge.

12 Q. Does whether or not Mr. Martinez gets convicted of a crime
13 have anything to do with whether or not you'll get a
14 recommendation?

15 A. No.

16 Q. And what happens if you don't testify truthfully?

17 A. I don't get a recommendation.

18 Q. I'd like to talk a bit about your drug use history now.
19 Can you tell me when you first started using illegal drugs?

20 A. I was about 14.

21 Q. And what did you use when you were 14?

22 A. Marijuana.

23 Q. Have you used other illegal drugs in your life?

24 A. Mm-hmm. Yes.

25 Q. Tell me about that.

1 A. I started with prescription painkillers when I was 24, and
2 it escalated very quickly.

3 Q. And you originally received painkillers from a doctor?

4 A. Mm-hmm. Yes.

5 Q. Okay. And did you develop an addiction?

6 A. Yes, very quickly.

7 Q. And tell me how that escalated.

8 A. You just can't get enough. Once you take a couple, then
9 you want a couple more, and a couple more, and a couple more,
10 and then, when the doctor doesn't give them to you anymore, you
11 buy them on the streets.

12 Q. And did you begin buying pills on the streets?

13 A. Yes.

14 Q. And at some point did that escalate to other drugs?

15 A. Yes.

16 Q. What did you start using?

17 A. I started using heroin.

18 Q. And how old were you when you started using heroin?

19 A. About 38.

20 Q. And did you ever start to use anything other than heroin?

21 A. I did cocaine once in a while, but it wasn't my drug of
22 choice.

23 Q. Okay. And how about fentanyl?

24 A. I started using fentanyl, yes.

25 Q. Okay.

1 A. Through patches.

2 Q. Okay. And were the fentanyl patches prescribed by a
3 doctor?

4 A. No.

5 Q. Did you ever use fentanyl in any other form?

6 A. Yes.

7 Q. How would you use fentanyl?

8 A. Snort it.

9 Q. Okay. Ms. Tirone, who is your source of supply for
10 fentanyl? Where would you get it?

11 A. In Lawrence, Mass.

12 Q. And did you buy it from any specific person in Lawrence,
13 Mass?

14 A. No. I mean, a guy with a name of "Brian," but nobody that
15 I knew specific.

16 Q. Okay. And how did you learn about the source of supply
17 Brian?

18 A. A friend of mine just gave me a phone number.

19 Q. How would you contact Brian?

20 A. Call on the phone.

21 Q. And just tell me how that would work. What would happen
22 after you placed a phone call to Brian?

23 A. You would get a location to go to, and you'd go to the
24 location, and someone shows up, and then they leave.

25 Q. Okay. And, specifically, what happens when they show up?

1 A. You grab the stuff, and you give them the money, and you
2 go.

3 Q. Okay.

4 A. You get out of there as quick as possible.

5 Q. Okay. How long, if you remember, did you buy from Brian?

6 A. A couple of years. Two, three years, approximately.

7 Q. And did you always call the same phone number?

8 A. Most of the time, but it did change.

9 Q. Okay. Do you recall the area code of a phone number you
10 were calling near the end of the time you were buying from
11 Brian?

12 A. Did I what?

13 Q. Do you recall the area code of the number you were
14 calling?

15 A. There was a 978 and a 603.

16 Q. Okay. What was the most recent number you were calling
17 before you were arrested?

18 A. 603, yeah.

19 Q. And before your arrest about how long were you calling
20 that 603 number?

21 A. I can't be exactly sure. Maybe six months to a year,
22 maybe.

23 Q. Okay.

24 A. That's approximate. I don't really remember. I was
25 pretty high.

1 Q. Okay. When you would call that number, did you know the
2 person who would answer?

3 A. No.

4 Q. When you would go to Lawrence to conduct the exchange,
5 would you always meet with the same person?

6 A. No.

7 Q. Can you estimate how many different people you met with?

8 A. No.

9 Q. More than ten?

10 A. I can't really be sure. I mean, it was a quick -- I
11 didn't really stop to check the person out.

12 Q. Okay. Did you always go to Lawrence, or did you sometimes
13 meet people in other towns?

14 A. Very rarely went to other places.

15 Q. Okay. Tell me some of the other places that you went.

16 A. I mean, like Lowell. I went to Plaistow I think twice.
17 Very rare, though.

18 Q. Okay. And how often were you buying from Brian?

19 A. Five to seven days a week.

20 Q. And when you would go down would you buy just for
21 yourself, or would you sometimes buy for other people?

22 A. No. For other people, too.

23 Q. And how many other people were you buying for?

24 A. Like, five.

25 Q. Okay.

1 A. Approximately.

2 Q. Okay. And tell me how that would work. Would you collect
3 money from them before you'd go? Would they pay you after?

4 A. Yes, I would collect money before I went, and I would
5 double the price so that I would get my fix for free,
6 basically.

7 Q. Okay. And so, how much would you pay for a gram of
8 fentanyl in Lawrence?

9 A. \$30.

10 Q. And you said you would double the price, you would charge
11 \$60 for it?

12 A. Mm-hmm. Mm-hmm.

13 Q. Okay. Would you bring that back to people in the
14 Seabrook, New Hampshire area?

15 A. Yes.

16 Q. Okay. Okay, Ms. Tirone.

17 MS. KONESKY: Ms. Blanco, if you could please pull up
18 Exhibit 1601.

19 Q. Did you listen to some telephone calls in my office before
20 today?

21 A. Yes.

22 Q. And did you recognize your voice on those calls?

23 A. Yes.

24 MS. KONESKY: Whenever you're ready, you can play
25 1601.

1 (Audio recording played)

2 Q. Ms. Tirone, was that your voice on that call?

3 A. Yes.

4 Q. And that call was on February 24th of 2018 at 6:23 p.m.

5 I'm going to ask you a couple questions about it. You said, "I

6 need" -- you said, "I'm down." What does that mean?

7 A. It means I'm already down in Lawrence.

8 Q. Okay. You said, "I need 41." What did you mean by "41"?

9 A. Grams.

10 Q. "All fives, please." What does that mean?

11 A. Five-gram chunks.

12 Q. Okay. Was there another way that they would sometimes
13 give them to you?

14 A. Yeah, one gram.

15 Q. Okay. Why did you prefer five-gram chunks?

16 A. Because they weighed better.

17 Q. And by "weighed better," what do you mean?

18 A. They weighed five grams.

19 Q. Okay. Near the end of that phone call you are told, "The
20 code is 809." Explain to me why you were given a code and how
21 that would work.

22 A. Because a lot of people in Lawrence come up to you and try
23 to sell you their stuff or fake stuff, and you want to know
24 it's the right person.

25 Q. Okay. And so, what would you do with that code?

1 A. You'd ask the runner, "Who are you," and they would tell
2 you the code, and you would know it was the right person.

3 Q. Okay. And why was it important to you to be meeting Brian
4 or the person you were calling?

5 A. Because you want to have the right stuff.

6 Q. Okay.

7 A. You don't want to get fake stuff or get ripped off or
8 lower quality.

9 Q. I'm sorry. I didn't hear what you said.

10 A. Lower quality.

11 MS. KONESKY: Okay. Exhibit 1602, please, and this
12 call was from March 6 of 2018 at 5:19 p.m. You can go ahead
13 and play the call, Ms. Blanco.

14 (Audio recording played)

15 Q. Ms. Tirone, did you recognize your voice on that call?

16 A. Yes, ma'am.

17 Q. What did you mean by "55"?

18 A. Grams.

19 Q. And you said, "Last night I got powder bags, and I can't
20 break those up." What are "powder bags"?

21 A. Not rock; it's just powder.

22 Q. Okay. And just explain to me simply the difference
23 between the consistency of the two?

24 A. One's in a solid form and one's broken up into powder.

25 Q. Okay. Why do you prefer something that's rock?

1 A. Because I feel like, as a drug addict, it's a better
2 quality, and it's not as easy to get ripped off, and it's
3 easier to break up and separate to people.

4 Q. Okay. Ms. Tirone, do you remember March 14th of 2018?

5 A. I think it was the night I got stopped.

6 MS. KONESKY: Okay. Exhibit 1603, please. Go ahead,
7 and you can play this. This is on March 14th at 16:16 p.m.

8 (Audio recording played)

9 Q. Do you recognize your voice?

10 A. Yes.

11 Q. "49." What is that?

12 A. Grams.

13 Q. Why were you owed two from Hancock Street?

14 A. Because I got shorted the time before I went down.

15 MS. KONESKY: And Exhibit 1604, please, Ms. Blanco.
16 This is another telephone call from the same day, March 14th,
17 2018 at 6:42 p.m.

18 (Audio recording played)

19 Q. "Five chunks." What did you mean by that?

20 A. Five-gram bag.

21 Q. Okay. And, Ms. Tirone, did you buy drugs that day?

22 A. Yes.

23 Q. And what happened on your way home?

24 A. We got stopped.

25 Q. Which police agency stopped you?

1 A. I believe it was the State Police.

2 Q. And what town was that in?

3 A. Seabrook.

4 Q. New Hampshire? Okay. And did the State Police find drugs
5 in your car or on your person?

6 A. On my person.

7 Q. And had you hidden them on your person?

8 A. Yes.

9 Q. And were those the drugs that you had purchased in
10 Lawrence?

11 A. Yes.

12 Q. And were those drugs all for you, or did you intend to
13 give them to other people?

14 A. Half of it was for me.

15 Q. Okay. And then half is for other people?

16 A. Yes.

17 Q. Were you arrested or released that day?

18 A. Released.

19 Q. Okay. And did you ever go back to buy from Brian?

20 A. No.

21 Q. Did you continue to buy drugs after that?

22 A. Yes.

23 Q. How did you do that?

24 A. On the streets.

25 Q. Okay.

1 A. Wherever I could.

2 Q. Okay. And were you later arrested?

3 A. Yes.

4 Q. And are those the charges that you're currently facing?

5 A. Yes.

6 Q. Finally, Exhibit 1605, please. Who is that, Ms. Tirone?

7 A. That's me.

8 Q. Thank you.

9 CROSS-EXAMINATION

10 BY MR. KEEFE:

11 Q. Ms. Tirone, you mentioned on March 14th you think that was
12 the day that you got stopped by New Hampshire State Police?

13 A. Yes, I believe so. They were undercover.

14 Q. And you had traveled to Lawrence, picked up 40-some-odd
15 grams, and on the return trip to Seabrook is when you got
16 pulled over?

17 A. Yes.

18 Q. You mentioned that you got released.

19 A. Yes.

20 Q. Did you get arrested that day and brought to a police
21 station and then bailed?

22 A. No.

23 Q. You were just sent on your way from --

24 A. After I gave up the drugs, they sent me home, yes.

25 Q. Were you driving?

1 A. No.

2 Q. Passenger?

3 A. Passenger.

4 Q. Driver get arrested?

5 A. No.

6 Q. Car seized or confiscated?

7 A. No.

8 Q. You just drove off?

9 A. Yes.

10 Q. And I think you said that you discontinued, stopped buying
11 in Lawrence?

12 A. Yes.

13 Q. Now, you got arrested shortly thereafter?

14 A. April 23rd.

15 Q. April 23rd. And you got arrested for the charges that you
16 faced in this case?

17 A. Yes.

18 Q. And when you got arrested, you got brought to court and
19 you had an arraignment?

20 A. Yes.

21 Q. Your first appearance in court?

22 A. Yes.

23 Q. Were you held or were you released on bail?

24 A. I was held.

25 Q. Held. And did you remain held until today?

1 A. Yes, the whole time.

2 Q. And I think you said that you pled guilty. Do you recall
3 when it was that you pled guilty?

4 A. I don't know the exact date. It was January.

5 Q. Not the exact date, but you think it was sometime this
6 past winter?

7 A. Yes. I got sentenced in January, yes.

8 Q. You were facing a ten-year minimum mandatory sentence in
9 this case?

10 A. Yes.

11 Q. And you received a three-year sentence?

12 A. Yes.

13 Q. Your projected release date on that three-year sentence,
14 do you know what that is?

15 A. December of 2020.

16 Q. Did you receive a probation-type sentence to run after --

17 A. Three years, yeah.

18 Q. -- your jail sentence?

19 A. Three-year probation.

20 Q. Three-year supervised release, is what they call it here?

21 A. Supervised release, yes.

22 Q. So, you as of this date have approximately 18, almost 18
23 months' credit towards that --

24 A. Yes.

25 Q. -- 36-month sentence?

1 A. Yes.

2 Q. You did get good time on a federal sentence; is that
3 right?

4 A. Yes.

5 Q. So, you wouldn't end up serving the entire 36 months?

6 A. December 2020 is my good time out date.

7 Q. So, in exchange for your testimony today, you're
8 anticipating that you're going to be resentenced; you're going
9 to go back in front of the Court --

10 A. Yes.

11 Q. -- and have another sentencing hearing?

12 A. Yes.

13 Q. And the Court with --

14 A. I believe so, yes.

15 Q. The Court, with knowledge that you've appeared here and
16 testified on behalf of the prosecutors, is in a position to
17 give you a lower sentence?

18 A. It's up to the judge.

19 Q. But that's what you're hoping for?

20 A. I'm hoping, yes.

21 Q. Yeah. And you're hoping that you're going to get a
22 time-served sentence, right?

23 A. I'm hoping.

24 Q. Now, you mentioned that you had been buying for a couple
25 of years in Lawrence from a number that you knew as "Brian,"

1 right?

2 A. Yes.

3 Q. And those numbers that you called changed over time?

4 A. Yes.

5 Q. I think that's what you said.

6 A. Yes.

7 Q. After you got arrested, did you understand that the Brian
8 number continued to run as an operation?

9 A. I don't know. I stopped calling that day.

10 Q. Do you recall that you gave a proffer at some point? Do
11 you know what a "proffer" is?

12 A. No.

13 Q. Do you recall last year in August that you sat down at the
14 U.S. Attorney's Office and had a meeting with the prosecutors
15 and some agents?

16 A. Yes.

17 Q. And they questioned you about what you know about this
18 investigation and what your role in the offense was?

19 A. Yes.

20 Q. Do you recall telling the agents and the prosecutors that
21 you learned after your arrest, after April 9th, that the
22 telephone number of Brian continued to operate with sales of
23 fentanyl in Lawrence?

24 A. Can you repeat -- I'm sorry.

25 Q. Do you recall telling the prosecutors and/or the agents

1 that you learned that --

2 A. I heard.

3 Q. -- that the telephone number Brian continued to operate in
4 Lawrence after April --

5 A. Yes, but it's not the same phone number that I called,
6 though.

7 Q. But that the Brian operation --

8 A. A random phone number, yes. Yeah, one of the random phone
9 numbers that I never called myself, personally. Someone told
10 me they still called it.

11 Q. But that it was Brian --

12 A. Yes.

13 Q. -- that was operating it?

14 A. That's what he said, yes.

15 Q. Thank you.

16 THE COURT: Redirect?

17 MS. KONESKY: No, your Honor.

18 THE COURT: The Court Security Officer can remove the
19 witness. Thank you.

20 (Witness stepped down)

21 MS. KONESKY: The United States calls Alicia Morin.

22 THE CLERK: Good morning. If you would like to step
23 this way. If you would carefully step into the witness box and
24 remain standing.

25 **ALICIA MORIN**, having been duly sworn by the Clerk, was

1 examined and testified as follows:

2 THE CLERK: Please state your full name and spell your
3 last name.

4 THE WITNESS: Alicia Morin, M-o-r-i-n.

5 THE CLERK: Thank you. Please be seated.

6 DIRECT EXAMINATION

7 BY MS. KONESKY:

8 Q. Good morning, Ms. Morin.

9 A. Good morning.

10 Q. Are you currently serving a prison sentence, Ms. Morin?

11 A. I am.

12 Q. Where are you serving that?

13 A. Alderson, West Virginia.

14 Q. And what type of a prison is that in West Virginia?

15 A. Camp status.

16 Q. Is it a federal prison?

17 A. Yeah.

18 Q. Before you went to prison, Ms. Morin, where were you
19 living?

20 A. Northfield, New Hampshire.

21 Q. Okay. And are you originally from New Hampshire?

22 A. No.

23 Q. Where were you born?

24 A. Massachusetts.

25 Q. How long have you lived in New Hampshire?

1 A. Since I was eight.

2 Q. Always in Northfield?

3 A. No. Laconia.

4 Q. Okay. How old are you?

5 A. Thirty-one.

6 Q. And do you have any children?

7 A. I do. I have two.

8 Q. How old are your children?

9 A. My son's 14; my daughter's 11.

10 Q. And how far did you go in school?

11 A. High school graduate.

12 Q. Before your legal troubles were you working?

13 A. Off and on, yeah.

14 Q. And where would you work? Where have you worked in the
15 past?

16 A. I worked for a towing company more so, and then I worked
17 for local hotels around my area.

18 Q. And what area are you talking about?

19 A. Belknap County.

20 Q. Do you have any mental-health diagnoses?

21 A. Mm-hmm.

22 Q. Can you tell me what they are?

23 A. I have PTSD, anxiety, and, um -- yeah. Sorry. Bipolar.

24 Q. And do you take medications for those?

25 A. I do.

1 Q. Other than the crime that you're currently serving a
2 sentence for, have you previously been convicted of any crimes?

3 A. I had a misdemeanor for criminal threatening and a
4 possession.

5 Q. A possession of what?

6 A. Fentanyl.

7 Q. Okay. And let's talk about why you're currently in jail.
8 What charge have you been sentenced for?

9 A. It is conspiracy to possess with intent to distribute 400
10 grams or more of fentanyl.

11 Q. And were you charged in Federal Court in New Hampshire?

12 A. Yes.

13 Q. And what sentence did you receive?

14 A. A 37-month.

15 Q. And how much of that do you have left to serve?

16 A. I believe it's, like, 24 months.

17 Q. Okay. And are you currently in a program at the jail?

18 A. I am. It's the Residential Drug Abuse Program. It's
19 called "RDAP."

20 Q. And can you tell me about what RDAP is?

21 A. So, basically, when addicts go to prison they want to,
22 like, get down to, like, why they criminally did stuff, and it,
23 like, helps with your thought process and what your irrational
24 thinking errors are and your criminal thinking errors. It more
25 focuses on you and your problems than it does your drug.

1 Q. Okay. And how long have you been in that program?

2 A. I was in it for six months. It's a nine-month program.

3 Q. Okay. And do you get some time off your sentence by
4 completing that program?

5 A. I do. At the completion of RDAP, I get 12 months off my
6 sentence and six months' halfway house.

7 Q. Okay. So, if you had stayed in prison and had finished
8 that program, what was your expected release date?

9 A. February 4th of 2020 would be my bed date for the halfway
10 house.

11 Q. Okay. Ms. Morin, in exchange for your testimony today are
12 you hoping to receive anything?

13 A. I mean, I hope, but it's not guaranteed.

14 Q. What is it that you hope will happen?

15 A. Just a reduction of my sentence or be brought close to
16 home.

17 Q. Do you understand who makes those decisions, who decides
18 what your sentence will be?

19 A. Yes, I do, ma'am.

20 Q. Who's that?

21 A. The judge.

22 Q. And what role does the U.S. Attorney's Office have?

23 A. Just a recommendation.

24 Q. Okay. And if you want to get that kind of a
25 recommendation, what is it that you have to do?

1 A. Testify honestly.

2 Q. Okay. What happens if you don't testify honestly?

3 A. I could be facing more charges.

4 Q. Okay. I'd like to talk a little bit now, Ms. Morin, about
5 your drug-use history. Can you tell me when you first started
6 using illegal drugs?

7 A. I was 17 when I had my son, and I was prescribed Percocet.
8 I had to have an emergency C-section. So, from 17 to 26 I was
9 on opioid painkillers, and then 26 is when I did my first line
10 of heroin, and then it just escalated from there. I went from
11 heroin to carfentanil to fentanyl and methamphetamine.

12 Q. Okay. At your height how much fentanyl were you using a
13 day?

14 A. Probably about three, four grams a day.

15 Q. And when is the last time that you used?

16 A. April 22nd of 2018.

17 Q. Okay. And did something happen on April 23rd?

18 A. Yeah. I was arrested.

19 Q. Before your arrest on April 23rd, Ms. Morin, who was your
20 source of supply for fentanyl?

21 A. Brian.

22 Q. And is "Brian" a person or a group?

23 A. I honestly don't know. I just knew "Brian."

24 Q. Okay. And how did you first learn about Brian?

25 A. My friend Heidi, I would drive her down to Lawrence, Mass,

1 and she would call in and order, and I would drive her to where
2 she had to go and pick up.

3 Q. Okay. And at some point did you start buying from Brian
4 yourself?

5 A. I did, once Heidi got arrested.

6 Q. And tell me when you first started going down to Brian
7 with Heidi. About how long ago was that?

8 A. Oh, man. Probably about two years ago, if not a little
9 longer.

10 Q. Okay. And when did you start calling yourself?

11 A. It was right after she got arrested, and I want to say two
12 years ago is when she got arrested, so probably a month after
13 she got arrested.

14 Q. Okay. And what happened -- why after her arrest did you
15 start calling yourself?

16 A. Because I didn't want to be sick, and, like, I could get
17 stuff locally back home, but it wasn't enough to keep me from
18 being sick.

19 Q. Okay. What do you mean by "being sick"?

20 A. Like, dope sick.

21 Q. What's that --

22 A. Sick from not having it. It's horrible. It's worse than
23 the flu. Like, you just want to die from it.

24 Q. And why was it that what you could buy locally wasn't
25 enough for you?

1 A. The potency, I'm guessing.

2 Q. Okay. So, tell me about, once you started calling, how it
3 would work. How would you use that phone number to buy
4 fentanyl?

5 A. Well, first I started calling by a Massachusetts number,
6 and I would call when I was at Exit 2 on 93 and get an address
7 to where I was supposed to go to meet a runner, and then I'd go
8 meet the runner, and I'd jump back on 93 and head back north.

9 Q. Okay. Did you meet the same runner every time?

10 A. No.

11 Q. Can you estimate how many different runners you met?

12 A. Over a handful.

13 Q. Okay. And when you would meet the runner what would
14 happen?

15 A. I would give them the money. Like, sometimes we would
16 use, like, a number if. Like, I didn't feel safe with it. The
17 runner would have to know that number in order for me to hand
18 over my money.

19 Q. Okay. And what would they give you in exchange?

20 A. Fentanyl.

21 Q. How was that fentanyl packaged?

22 A. It was either single grams or five grams in one bag.

23 Q. Okay. You said at the beginning you called a
24 Massachusetts number?

25 A. Mm-hmm.

1 Q. Did that number change?

2 A. Yeah. I then ended up calling a New Hampshire number.

3 Q. Okay. How did you get that number?

4 A. I had called down one night to plan a trip for the next
5 day, and Brian had answered and told me that he was going to
6 call me back to answer my phone, so when he called me back he
7 said, "This is the number that I want you to use," which it was
8 the 603-233 number. So, that's the number that I started
9 calling.

10 Q. Okay. How much were you paying per gram in Lawrence?

11 A. 30. \$30.

12 Q. And would you only buy for yourself, or would you buy
13 for other people as well?

14 A. No. I bought for other people as well.

15 Q. Okay. And would you charge them more than \$30 a gram?

16 A. No, because what I did is I -- if they threw in money with
17 me when I went down to pick up I would give it to them at my
18 price, but they would have to give me a gram or two off every
19 ten that they bought.

20 Q. Okay. So, you would get drugs in exchange for going down
21 to Lawrence?

22 A. Yeah. Basically, being the driver.

23 Q. Okay. And where were most of the people you would buy
24 drugs for?

25 A. My local area, Belknap County.

1 Q. Okay. And when you would go down, was it always to
2 Lawrence, or did you sometimes go to other places?

3 A. I went other places.

4 Q. Can you tell me some of the other towns you went to?

5 A. Salem, Haverhill, Lowell, Seabrook.

6 Q. Ms. Morin, before court today did you listen to some
7 recorded telephone calls?

8 A. Yeah.

9 Q. And did you recognize your voice on those calls?

10 A. Yes.

11 Q. Okay. I'm going to play Exhibit 1501. This is Exhibit
12 1401, and this phone call is from March 9th, 2018 at 1:25 p.m.

13 (Audio recording played)

14 Q. Did you recognize your voice on that call?

15 A. Yes, I do.

16 Q. And when you said you're coming down for 55, what did you
17 mean?

18 A. Going down to Lawrence, Mass. to pick up 55 grams of
19 fentanyl.

20 Q. Okay. And what's "110 Lexington"?

21 A. That's the address where the runner would have been.

22 Q. Okay. And did you know the real name of the person you
23 were talking to?

24 A. No.

25 MS. KONESKY: Another call just shortly thereafter,

1 March 9th, 2018 at 1:46 p.m. It's Exhibit 1402, please, Ms.
2 Blanco.

3 (Audio recording played)

4 Q. Ms. Morin, do you remember -- did you recognize your voice
5 on that call?

6 A. Yes, I do.

7 Q. And do you remember buying fentanyl on March 9th of 2018?

8 A. Yes, I do.

9 Q. What happened after you bought the fentanyl that day?

10 A. I got pulled over on Interstate 93 at Exit 3, the onramp,
11 and I had -- I got, basically, arrested on the side of the
12 road. I ended up handing over 39 grams of fentanyl to the
13 officer, and then he searched my vehicle.

14 Q. Okay. And were you by yourself or with other people that
15 day?

16 A. No. My fiance and one of my friends was with me.

17 Q. Okay. And where had you put the drugs that you ended up
18 giving up to the police officer that day?

19 A. He sat me in the back of his car, and he told me that,
20 basically, he knew I had it, so we could do it two ways, the
21 easy way or the hard way, and he said that he was going to give
22 me the chance to put everything on the seat next to me, and he
23 would take it all and I'd be able to go home, or we can go down
24 to the Police Department and he could get a warrant for it.

25 So, I decided just to give it over to him. Like, I

1 knew, I already knew that I was followed out, so -- and then,
2 when I was sitting in the vehicle, while he had pulled the
3 other two passengers out, I had hid some fentanyl in a candy
4 box.

5 Q. Okay. And let's pull up Exhibit 1406, please. Do you
6 recognize that?

7 A. Yes, I do.

8 Q. That's the candy box where you had hidden the fentanyl?

9 A. Yes.

10 Q. Can you show us where in that picture the fentanyl is?

11 A. Right here and here (indicating).

12 Q. Okay. And where were the rest of the drugs?

13 A. My friend Tara had 15 grams on her, which we ended up
14 taking home with us, and the rest of them the cop had.

15 Q. Were you hiding some of them?

16 A. I had them in my bra.

17 Q. Okay. And the cop never found the ones on your friend?

18 A. Uh-uh.

19 Q. Could you please pull up Exhibit 1405. Who is that?

20 A. That's me.

21 Q. And when was that taken?

22 A. March 9th.

23 Q. Okay. That's when the officer pulled you over?

24 A. Mm-hmm.

25 Q. Okay. Ms. Morin, did you go to jail that day?

1 A. No.

2 Q. Were you allowed to leave the scene?

3 A. Yes.

4 Q. And did you stop buying fentanyl from the Brian group
5 after that?

6 A. No.

7 Q. Why not?

8 A. I was just so far into my addiction that, like, it didn't
9 matter to me.

10 MS. KONESKY: Okay. Ms. Blanco, if you could please
11 pull up Exhibit 1403.

12 Q. This is a phone call about five days later, March 14th,
13 2018 at 4:06 p.m.

14 A. Mm-hmm.

15 (Audio recording played)

16 Q. Okay, Ms. Morin. Did you recognize your voice?

17 A. I do.

18 Q. And when you say, "They took all my dope," what's "dope"?

19 A. Fentanyl.

20 Q. Okay. And this may be obvious, but why were you scared to
21 go back down to Lawrence?

22 A. Because I wasn't trying to catch a case.

23 Q. What do you mean by "catch a case"?

24 A. Like, get arrested again for fentanyl.

25 Q. Okay. You said, "I can't find nothing compared to what

1 you guys have down there."

2 A. Mm-hmm.

3 Q. Was that true?

4 A. Yes.

5 Q. And how did the other drugs that you could find compare?

6 A. So, like, around Belknap County they have heroin, not
7 fentanyl. So, the fentanyl is stronger than the heroin to me.

8 Q. Okay. And you went down with \$1,000 that day?

9 A. Yes.

10 MS. KONESKY: Ms. Blanco, could you just pull up
11 Exhibit 1404. And this is a call just later that day, March
12 14th, 2018 at 4:31 p.m.

13 (Audio recording played)

14 Q. Ms. Morin, did you end up buying drugs that day?

15 A. Yes.

16 Q. And why did you give him a description of your car?

17 A. Every time I went down I had to give the vehicle I was in
18 and whether it was Mass. plates or New Hampshire plates.

19 Q. Okay. And I'm going to show you exhibit -- do you
20 remember anything about the runner that you met with that day?

21 A. I believe he was the same runner that I met all the time
22 on Toye Ave.

23 Q. Okay. Had you gone to Toye Ave. before?

24 A. Yes. Numerous amounts of times I went there.

25 MS. KONESKY: Exhibit 1309, please.

1 Q. Do you recognize that car?

2 A. Yes.

3 Q. Why do you recognize it?

4 A. Because that's the vehicle I was down there in, and it
5 belongs to Tara Davere (ph).

6 Q. It's a blue Kia?

7 A. Yeah.

8 Q. And do you remember -- do you know where this area is?

9 A. Yeah. That's Toye Ave. parking lot.

10 Q. And do you recognize the person approaching your car?

11 A. Yeah. I met him there.

12 Q. Okay. Did you buy drugs from him there?

13 A. Yes.

14 Q. Did you continue to buy fentanyl from the Brian group
15 until you were arrested?

16 A. Yes.

17 Q. And when were you arrested?

18 A. April 23rd, 2018.

19 Q. And do you remember what color bags the drugs were
20 packaged in?

21 A. Yeah. Red.

22 Q. Red bags?

23 A. Yeah.

24 Q. Okay. And since your arrest have you been in jail the
25 whole time, or were you released?

1 A. I was released.

2 Q. And did you receive some drug treatment?

3 A. Yes, I did. After I was arrested and they put the
4 three-day hold on me, I had asked to be released into inpatient
5 treatment. So, I ended up going to Addiction Recovery Center
6 in Strafford County, and then from there I went to the Turning
7 Point Program, and then from there I got to go home for a few
8 months until sentencing.

9 Q. Okay. And since you received treatment have you used any
10 drugs?

11 A. No.

12 MS. KONESKY: No further questions. Thank you.

13 THE COURT: Cross.

14 CROSS-EXAMINATION

15 BY MR. KEEFE:

16 Q. Ms. Morin, you mentioned a friend of yours named Heidi.
17 Do you recall talking about her?

18 A. Mm-hmm.

19 Q. And I think you said that you began to personally go down
20 to Lawrence after Heidi was arrested.

21 A. Yes.

22 Q. Do you recall that Heidi was arrested in November of 2017?

23 A. Yes.

24 Q. So, that's when you first started going to Lawrence?

25 A. Yes.

1 Q. And I think you mentioned that you called a Massachusetts
2 number, and you later called a 603 area code number?

3 A. Yes.

4 Q. March 9th you got stopped on your way back from making a
5 purchase in Lawrence, right?

6 A. Yes.

7 Q. You didn't get arrested, you got released?

8 A. Yes.

9 Q. You continued to purchase from Brian, right?

10 A. Yes.

11 Q. And I think you said just now that you continued to
12 purchase up until you got arrested, right?

13 A. Yes.

14 Q. You got arrested on April 23rd?

15 A. Yes.

16 Q. And you're buying from runners, same number?

17 A. Yeah. Well, the number that I used -- I was calling after
18 the New Hampshire number was off was the Massachusetts number
19 again.

20 Q. But you were still buying from Brian in your mind?

21 A. Yeah.

22 Q. Yeah. And after your April 23rd arrest I think you said
23 you went into inpatient detox, inpatient?

24 A. Yeah, June 4th.

25 Q. So, you were held from the date of your arrest until June

1 4th?

2 A. Yes, at Strafford County.

3 Q. And then I think you said you went into a program called
4 Turning Point?

5 A. Yes, at Southern New Hampshire -- it's right there, the
6 same building. It's ARC and then Turning Point.

7 Q. Now, you pled guilty to the charges in this case and
8 received a sentence of how long?

9 A. Thirty-seven months.

10 Q. You were facing a ten-year minimum mandatory sentence?

11 A. Yes.

12 Q. You're doing the residential drug program at the federal
13 prison that you're at in West Virginia, right?

14 A. Yes.

15 Q. And I think you said that you're six months through it,
16 and if you complete the program you're due to head to a halfway
17 house in February?

18 A. Yes.

19 Q. This coming February?

20 A. Yes.

21 Q. As a result of coming here and testifying, are you still
22 on track to complete the program if you go back to West
23 Virginia?

24 A. I can definitely go back into the program, but I won't
25 graduate the program in January, and I won't go to the halfway

1 house in February. I get set back three months.

2 Q. For the moment you're going to be local, incarcerated,
3 until you have a sentencing hearing in this court again?

4 A. A what?

5 Q. A resentencing hearing. Well, I'll withdraw the question.
6 You said earlier that you were hoping that you would get some
7 consideration for your testimony here today --

8 A. Yeah.

9 Q. -- specifically a reduced sentence?

10 A. Yeah.

11 Q. So, you're expecting to come back here in front of the
12 court to have a hearing about that?

13 A. Yes.

14 Q. And your hope is that your sentence will be reduced,
15 right?

16 A. Yes.

17 Q. And you're hoping for time served --

18 A. Yes.

19 Q. -- so that you would get out and --

20 A. Or stay closer, not have to go back to West Virginia.
21 Yeah.

22 Q. You do have a supervised-release, probation-type sentence
23 that you're facing?

24 A. Yeah. I have three years after.

25 MR. KEEFE: Thank you. Thank you, your Honor.

1 THE COURT: Redirect?

2 MS. KONESKY: No further questions. Thank you.

3 THE COURT: The Court Security Officer can remove the
4 witness. Thank you. Please call your next witness.

5 (Witness stepped down)

6 MS. KONESKY: The United States calls Scott Moore.

7 THE CLERK: Good morning, sir. If you'd like to step
8 this way. Please step into the witness box and remain
9 standing.

10 **SCOTT MOORE**, having been duly sworn by the Clerk, was
11 examined and testified as follows:

12 THE CLERK: And, for the record, please state your
13 full name and spell your last name.

14 THE WITNESS: Scott Moore, M-o-o-r-e.

15 THE CLERK: Please be seated.

16 DIRECT EXAMINATION

17 BY MS. KONESKY:

18 Q. Good morning, Mr. Moore.

19 A. Good morning.

20 Q. Mr. Moore, where do you live?

21 A. Greenville, South Carolina.

22 Q. Okay. And where are you employed?

23 A. International Plastics.

24 Q. What kind of a company is International Plastics?

25 A. We do packaging, supply, flexible plastics for industrial

1 business use.

2 Q. Okay. And give me an example of some kinds of the plastic
3 products that you sell.

4 A. We do anything from the zip bags like you'd use at home,
5 retail bags like you get at the store. We even do evidence
6 security bags for law enforcement, property bags for hospitals.
7 So, any application that involves flexible plastics.

8 Q. And what's your position with International Plastics?

9 A. I'm a senior sales representative.

10 Q. How long have you worked there?

11 A. A little over five years.

12 Q. Okay. And can you tell us about what some of
13 International Plastics clients are?

14 A. Probably the largest that most people would recognize
15 would be Hobby Lobby. We do their retail bags.

16 Q. Okay. And what types of clients, generally, does
17 International Plastics serve?

18 A. We serve all sizes, from international companies to mom
19 and pop selling items out of their home, arts and crafts
20 businesses, all the way up to the large ones.

21 Q. And do you recall selling some plastic bags to a person
22 named Sergio Martinez?

23 A. I do.

24 Q. And what kind of -- specifically what did you sell to him?

25 A. He wanted some plastic sandwich bags like you would get at

1 the store, but he needed them to be red.

2 MS. KONESKY: Okay. I am going to pull up
3 Government's Exhibit 1901, please.

4 Q. How did Mr. Martinez contact you?

5 A. He called.

6 Q. Okay.

7 A. Telephone.

8 Q. And before that phone call had you had any interaction
9 with him?

10 A. No, ma'am.

11 MS. KONESKY: If you could please play it. This is
12 from January 30th, 2018 at 1:20 p.m.

13 (Audio recording played)

14 Q. Mr. Moore, did you recognize your voice on that phone
15 call?

16 A. Yes.

17 Q. And just to clarify, what's the product that you're
18 talking about?

19 A. It's a plastic sandwich bag.

20 Q. And you say, "We have those in stock." Do you have a
21 store or a warehouse?

22 A. We have a warehouse. We don't do walk-in sales. We sell
23 to distributors and businesses.

24 Q. And this was a custom order, so not something you had in
25 the warehouse?

1 A. Correct.

2 MS. KONESKY: Ms. Blanco, if you please pull up
3 Exhibit 1902, and this is from January 30th, 2018 at 4:53 p.m.

4 (Audio recording played)

5 Q. Is that your voicemail?

6 A. Yes, ma'am.

7 Q. And do you recall receiving this message?

8 A. I don't recall that specific message, no.

9 Q. Did you, in fact, look into those bags for Mr. Martinez?

10 A. Yes.

11 Q. And did you send him a quote?

12 A. Yes, I did.

13 Q. And how would you have sent that, by email or --

14 A. Sent that by email, yes.

15 MS. KONESKY: Ms. Blanco, Exhibit 1903, please. And
16 this is a call from February 21st, 2018, a couple of weeks
17 later, at 4:47 p.m.

18 (Audio recording played)

19 Q. Mr. Moore, did you recognize your voice on that call?

20 A. Yes, I did.

21 Q. And did you go ahead and place this order?

22 A. Yes, we did.

23 Q. I'm going to show you Exhibit 1905. Do you recognize
24 this?

25 A. Yes.

1 Q. What is it?

2 A. That's an invoice for the sale, for the bags that we had
3 discussed.

4 MS. KONESKY: And, finally, Exhibit 1904, and this is
5 from March 20th, 2018, 2:44 p.m.

6 (Audio recording played)

7 Q. Mr. Moore, do you know if that order was, in fact,
8 delivered?

9 A. It was, yes.

10 Q. And did you have any other interactions with Mr. Martinez
11 after that?

12 A. I did not, no.

13 Q. Okay. Thank you.

14 A. Thank you.

15 CROSS-EXAMINATION

16 BY MR. SHEKETOFF:

17 Q. Good afternoon. Good morning.

18 A. Good morning.

19 Q. Wishful thinking.

20 What does 20,000 plastic sandwich bags weigh?

21 A. I couldn't tell you offhand. I'm sorry.

22 Q. Is it 100 pounds, or 200 pounds, or something less than
23 that?

24 A. It may be around 100. I really don't know. I'm sorry.

25 Q. Okay. And was this order actually paid for?

1 A. Yes, sir.

2 Q. And how was it paid?

3 A. Credit card.

4 Q. Do you remember whose name the credit card was in?

5 A. I do not.

6 Q. Was there a phone call that just didn't get played that
7 you recall having where you got a credit card number?

8 A. Yes, sir.

9 Q. And was that person that you were speaking to, did he
10 identify himself as Sergio Martinez?

11 A. I do not know.

12 Q. Thank you, sir.

13 THE COURT: Redirect?

14 MS. KONESKY: No, your Honor.

15 THE COURT: This witness is excused. Thanks.

16 THE WITNESS: Thank you, sir.

17 (Witness stepped down)

18 MR. AFRAME: The United States calls Task Force
19 Officer Juan Infante.

20 **JUAN INFANTE**, having been duly sworn by the Clerk, was
21 examined and testified as follows:

22 THE CLERK: And, for the record, please state your
23 full name and spell your last name.

24 THE WITNESS: Sure. First name is Juan, last name
25 Infante, I-n-f-a-n-t-e.

1 THE CLERK: Thank you.

2 DIRECT EXAMINATION

3 BY MR. AFRAME:

4 Q. Good morning, Mr. Infante. How are you?

5 A. Good morning. Good. Thank you.

6 Q. How are you employed?

7 A. I am a State Trooper with the New Hampshire State Police.

8 Q. And are you working right now for the State Police or for
9 some other law enforcement agency?

10 A. I'm still employed by the New Hampshire State Police. I'm
11 also a Task Force Officer with the DEA.

12 Q. And how long have you been a DEA Task Force Officer?

13 A. For the last four years.

14 Q. Okay. And what was your role in this case?

15 A. I'm one of the case agents.

16 Q. Okay. So, what I want to do first, Officer Infante, is
17 some sort of housekeeping things that we have to take care of
18 based on all the evidence that we've heard. So, we've heard a
19 lot of calls in this trial, many of them someone has already
20 testified about Mr. Martinez's voice being on the call --

21 A. Yes.

22 Q. -- but there are some that that has not happened. Have
23 you been here for most of the trial?

24 A. Yes, I have.

25 Q. And are you familiar with Sergio Martinez's voice?

1 A. Yes, I am.

2 Q. Have you had multiple opportunities to speak with him
3 during the course of this investigation and afterwards?

4 A. Yes.

5 Q. And how about his brother, Raulin? Have you had the
6 opportunity to speak with him as well?

7 A. Yes.

8 Q. And can you distinguish their voices?

9 A. Yes.

10 Q. So, I'm going to run through now -- not playing these
11 calls. You've either heard them in here or seen them before
12 trial, right?

13 A. Yes.

14 Q. So, this will just take a minute. If we could pull up
15 106. This is a call involving Patricia English, who has
16 already testified in this trial. Did you listen to this call
17 before the trial?

18 A. I did.

19 Q. And did you recognize the other voice on that call as
20 Raulin Martinez?

21 A. Yes.

22 Q. Okay. And turning to 401 -- I'll try to do this as
23 quickly as possible, so I'm going to show you 401 through 403.

24 A. Okay.

25 Q. Just very quickly, because I don't think you were in court

1 when this was played out loud, but did you listen to it before
2 trial?

3 A. I have.

4 Q. We don't need to play it. So, we just need to show
5 Mr. Infante the three transcripts. This is 401. This is 402.
6 Again, did you listen to this one before trial?

7 A. Yes.

8 Q. And 403. And did you identify the voice, not Trevor
9 Ahearn, but the other voice on those calls as Sergio Martinez?

10 A. I did.

11 Q. The rest of the calls I believe you were actually in
12 court. Turning to Government's Exhibit 803, and if we could
13 just turn to the next page. This was a call we already heard
14 involving Trooper Jameson Mathieu related to the \$400,000
15 seizure. Were you in court for this call?

16 A. Yes.

17 Q. And was the other voice on that call Mr. Martinez, Sergio
18 Martinez?

19 A. Yes.

20 Q. Now, turning to the 1400 series, you were just in court
21 when we just heard Alicia Morin testify?

22 A. Yes.

23 Q. Did you listen to that series of calls?

24 A. Yes.

25 Q. Ms. Morin identified her voice on each of those calls.

1 Did you recognize Sergio Martinez as the other voice in those
2 calls?

3 A. Yes.

4 Q. Turning to the 1500 series, were you here yesterday when
5 Norman Limoges testified?

6 A. Yes.

7 Q. And did you listen to the series of calls involving Norman
8 Limoges?

9 A. Yes.

10 Q. And did you recognize the other voice in that series of
11 calls, which were the 1500 calls, as Sergio Martinez?

12 A. I did.

13 Q. And this morning you were here when Darlene Tirone
14 testified?

15 A. Yes.

16 Q. And you listened to 1603, so the 1600 series, 1601 to
17 1604?

18 A. Yes.

19 Q. Did you recognize the voice other than Ms. Tirone as
20 Sergio Martinez?

21 A. Yes.

22 Q. Yesterday we heard testimony from Amy Reardon. Do you
23 remember that?

24 A. Yes.

25 Q. And we played a series of calls in which Ms. Reardon

1 identified her voice?

2 A. Yes.

3 Q. And did you recognize the voice other than Ms. Reardon as
4 Sergio Martinez?

5 A. Yes.

6 Q. And yesterday we heard testimony from Mr. Norman Torrey.
7 Were you here for that?

8 A. Yes.

9 Q. I'd ask that you look at transcripts 1801 to 1804. And
10 did you recognize the voice on those calls that were played
11 yesterday as Sergio Martinez?

12 A. Yes.

13 Q. And I would ask you to look at the transcripts for 1805 to
14 1808, just to remind you of the content of those calls. And
15 did you recognize the voices in that series of calls as
16 belonging to Mr. Raulin Martinez?

17 A. Yes.

18 Q. And, finally, just a couple of minutes ago we heard from
19 Scott Moore. And did you listen to the calls we played of
20 Mr. Moore?

21 A. Yes.

22 Q. And did you recognize the individual that wasn't Mr. Moore
23 as Sergio Martinez in those calls?

24 A. Yes.

25 MR. AFRAME: Okay. Let me turn now to some

1 involvement that -- let me do one more bit of housekeeping
2 related to the calls, since we're doing that.

3 Judge, I'd like to just read now a stipulation related
4 to the calls to the jury.

5 THE COURT: Please.

6 MR. AFRAME: I'm going to read you now a stipulation,
7 which is something that the parties have agreed to.

8 The parties do hereby agree and enter into the
9 following stipulations of fact regarding wiretap recordings.

10 Each of the transcripts and recordings of telephone
11 calls presented during trial were produced from recordings
12 contained on Government's Exhibit 13. Each transcript and
13 recording contains the contents of a true and accurate copy of
14 a telephone conversation intercepted pursuant to a
15 court-ordered wiretap of telephone numbers 978-655-0001 and
16 603-233-6702. Each of the recordings contained on Government's
17 Exhibit 13 accurately reproduces both the words spoken and the
18 sound of the speakers' voices as those words were spoken and as
19 those sounds occurred in the original conversations reproduced
20 in each of the recordings. Each of the recordings contained on
21 Government's Exhibit 13 occurred on the dates and at the times
22 listed on the transcripts that correspond to the conversations
23 played or read in Court.

24 Some of the transcripts of recorded conversations
25 presented at trial were of conversations spoken in Spanish, and

1 others were spoken in English. Where the words spoken during
2 the recorded conversations were in Spanish, the transcripts
3 provide an accurate translation from the Spanish language to
4 the English language.

5 Agreed to on this 2nd day of October, 2019.

6 Signed Seth R. Aframe, Assistant United States
7 Attorney, Georgiana L. Konesky, Assistant United States
8 Attorney, Sergio Martinez, defendant, Robert Sheketoff, counsel
9 for the defendant.

10 THE COURT: Ladies and gentlemen of the jury, that's a
11 stipulation. You might remember I told you during the
12 preliminary instructions there's three types of evidence:
13 there's testimony, there's exhibits, and there's stipulations.
14 A stipulation is an agreement between the parties. Once a
15 stipulation has been reached and presented to you, you may find
16 the facts that have been set forth in the stipulation have been
17 proven beyond a reasonable doubt.

18 You may proceed.

19 MR. AFRAME: Thank you, your Honor.

20 BY MR. AFRAME:

21 Q. And, Officer Infante, I just made a reference to
22 Government's Exhibit 13, a CD of telephone calls.

23 A. Yes.

24 Q. Are you familiar with this CD?

25 A. Yes.

1 Q. And what is that?

2 A. A series of calls from the wire.

3 Q. Is that the Government's Exhibit 13 referred to in the
4 stipulation?

5 A. Yes.

6 Q. Thank you.

7 THE COURT: Mr. Aframe, just so we have a clear
8 record, that stipulation you just read, will it be marked as an
9 exhibit?

10 MR. AFRAME: We do. Thank you. It is Government's
11 Exhibit 15.

12 THE COURT: So, Exhibit 15 is the stipulation. It
13 will be one of the exhibits that is in the jury deliberation
14 room when you're deliberating.

15 (Government's Exhibit 15 received into evidence)

16 Q. Let me turn now to a different piece of housekeeping.
17 This has to do with identifying the drugs that have been
18 discussed in this trial, and I have a series of certifications
19 that I'm going to show you now.

20 These -- the first one is marked as Government's
21 Exhibit 14. The ID has been stricken on all of these. Let me
22 show it to you and ask you does this drug certification relate
23 to the drugs that were seized from Patricia English on
24 September 8th, 2017?

25 A. This specific one that I have in my hands, no. This is --

1 Q. Okay. What's the date of seizure, the date of the
2 incident on this item?

3 THE COURT: What item is that?

4 MR. AFRAME: Sorry. We're still on Government's
5 Exhibit 14.

6 A. The date of seizure on this one is September 8, 2017.

7 Q. Was that the date that Patricia English was arrested with
8 a quantity of drugs?

9 A. This is the day from the buy bust that we conducted in
10 Lawrence with the defendant named Juan Dimel Gil Castillo, that
11 Patricia English was the CI on the date.

12 Q. Thank you.

13 A. Maybe I was confusing the question.

14 Q. Sorry. My question was confusing.

15 A. Okay.

16 Q. So, explain again, were these drugs obtained from an
17 undercover named Dan Clemmons?

18 A. Yeah. Dan Clemmons from Mass. State Police.

19 Q. And they were purchased from an individual working for the
20 Brian organization?

21 A. Yes.

22 Q. And Patricia English was acting as the CI?

23 A. Correct.

24 Q. I asked that question poorly. Thank you.

25 And now I'm showing you -- and I'm sorry. Did that

1 document indicate that the drugs seized that day were fentanyl
2 and weighed 552.17 grams?

3 A. Yes.

4 Q. Thank you. Now I'm showing you what's been marked as
5 Government's Exhibit 14A.

6 A. Yes.

7 Q. Were these drugs seized from Ramon Gill Huma on February
8 2nd, 2018?

9 A. Yes.

10 Q. And does this certification indicate that the drugs seized
11 were fentanyl?

12 A. Yes.

13 Q. And does it indicate that 1,123.75 grams of a substance
14 containing fentanyl and 22.26 grams of a substance containing
15 fentanyl were tested?

16 A. Yes.

17 Q. Thank you. Now I'll show you government's Exhibit 14B.
18 Does that certification relate to drug evidence sold by Juan
19 Rafael Tejada-Jiminez on February 14, 2018?

20 A. Yes.

21 Q. And does it indicate that the substance was 4.65 grams of
22 fentanyl?

23 A. Correct.

24 Q. And is there a second certification that's part of 14B?

25 A. Yes.

1 Q. And does that also relate to drug evidence seized from
2 Juan Rafael Tejada-Jiminez but on February 5th, 2018?

3 A. Yes.

4 Q. And does that indicate that 4.12 grams of fentanyl and
5 9.95 grams of fentanyl were tested?

6 A. Yes.

7 Q. Thank you.

8 THE COURT: Counsel, I know you're just trying to be
9 efficient, and I appreciate that, but why don't we lead the
10 witness a little less. Why don't you let the witness testify.
11 I realize you're trying to save time.

12 Q. Let me show you Government's Exhibit 14C. In the upper
13 right-hand corner of that document does that indicate from whom
14 the drugs were seized?

15 A. Yes.

16 Q. And who? Who were they seized from?

17 A. Norman Limoges.

18 Q. And does it give the date those drugs were seized?

19 A. It has a date of April 17th, 2018, but I think that's when
20 the date it was tested.

21 Q. But these were drugs seized from Norman Limoges?

22 A. Yes.

23 Q. And what does it indicate the substance was tested for?

24 A. It was tested for fentanyl.

25 Q. Was it positive?

1 A. Yes.

2 Q. And what weight is listed there on that document?

3 A. The total weight of chunk material contained in seven bags
4 was determined to be 35.2, plus or minus 1.2 grams; and then
5 140 plastic bags, each containing brown chunks, and that
6 weighed -- contains 140 bags. The way it's expressed, 95.45
7 percent.

8 Q. Okay. Thank you. Government's Exhibit 14D.

9 A. Yeah.

10 Q. Does that indicate from whom the drugs tested here were
11 seized from?

12 A. Yes.

13 Q. And who was that?

14 A. Alicia Morin and Tara Deville (ph).

15 Q. And did the substance seized test positive for fentanyl?

16 A. Yes.

17 Q. And does it provide weights for the drugs that were
18 seized?

19 A. I just have to read it. It was determined to be 4.509
20 plus or minus 0.070 grams.

21 THE COURT: We don't need the margin of error. Let's
22 just go. Why don't you read them.

23 Q. And I'm looking at Government's Exhibit 14E. Who were
24 those drugs seized from?

25 A. Darlene Tirone.

1 Q. And was the substance there tested positive for fentanyl?

2 A. Yes.

3 Q. And was the weight 34.13 grams of fentanyl and 10.09 grams
4 of fentanyl?

5 A. Yes.

6 Q. Turning to Government's 14F, does that relate to drugs
7 seized from Amy Reardon?

8 A. Yes.

9 Q. And were the drugs seized fentanyl?

10 A. Yes.

11 Q. And were the weights 79.3 grams of fentanyl and 64.1 grams
12 of fentanyl?

13 A. Yes.

14 Q. This is Government's Exhibit 14G. Does this refer to the
15 drugs seized from Stevens Street?

16 A. Yes.

17 Q. And who were they seized from?

18 A. Steven Lessard and Cassie Kowack (ph).

19 Q. And does that document indicate that those drugs were
20 tested by the Mass. State Police Crime Lab and was 2,004 grams
21 of fentanyl and 94.94 grams of fentanyl?

22 A. Yes.

23 Q. Government's Exhibit 14H. So, this relates to drugs
24 seized from what individual?

25 A. Norman Torrey.

1 Q. And did the drugs test positive by the Maine State Police
2 Lab for fentanyl?

3 A. Yes.

4 Q. Was the weights 59 grams of fentanyl and 40.29 grams of
5 fentanyl?

6 A. Yes.

7 Q. Now I'll turn to Government's Exhibit 14I.

8 A. Yes.

9 Q. Does this relate to evidence seized at 176 Park Street?

10 A. Yes.

11 Q. And there are several fentanyl exhibits on there, correct?

12 A. Yes.

13 Q. Was one 477.2 grams of fentanyl?

14 A. Yes.

15 Q. Was one 309 grams of -- I'm sorry -- 1,083 grams of
16 fentanyl?

17 A. Yes.

18 Q. Was one 1,953 -- 1,436 grams of fentanyl?

19 A. I cannot see that number here.

20 Q. So, this on here is 447 grams of fentanyl?

21 A. Correct.

22 Q. Okay. And turning to the last one, which is Government's
23 14J, does this relate to drugs seized at Manchester Street?

24 A. Yes.

25 Q. And can you review that document and tell me the amounts

1 that were tested positive for fentanyl?

2 A. They weighed 1,083, 1,436.1, 992.3 grams, 437.92 grams,
3 355.4 grams.

4 Q. Okay. Thank you. And does this also relate to drugs
5 seized at 31 Manchester Street?

6 A. Yes.

7 Q. And can you just read the fentanyl weight from that
8 exhibit?

9 A. 231.4.

10 Q. And does this also relate to drugs seized at 31 Manchester
11 Street?

12 A. Yes.

13 Q. And what's the weight of the tested fentanyl on that drug
14 certification?

15 A. 551.88 grams.

16 Q. And now 14M, the last one, does this also relate to drugs
17 seized at 31 Manchester Street?

18 A. Yes.

19 Q. And what was the amount of fentanyl tested positively in
20 that certification?

21 A. 3,004.5 grams.

22 THE COURT: Did you finish your drug certification,
23 Counsel?

24 MR. AFRAME: Yes.

25 THE COURT: All right. We'll take the morning break,

1 then. Yeah, we'll take the morning break now and then
2 reconvene in 15 minutes. Charli.

3 THE CLERK: Please rise for the jury.

4 (The jury exited the courtroom at 10:47 a.m.)

5 THE CLERK: All rise for the Honorable Court.

6 MR. AFRAME: Just one quick thing just to let you
7 know.

8 THE COURT: Sure.

9 MR. AFRAME: I misspoke as we did -- on the houses as
10 to a few of these, so I have to correct something that I spoke
11 incorrectly.

12 THE COURT: Okay, sure.

13 THE CLERK: Please remain standing for the jury.

14 (The jury entered the courtroom at 11:06 a.m.)

15 THE CLERK: Please be seated.

16 THE COURT: You're still under oath.

17 BY MR. AFRAME:

18 Q. Before the break, in my effort to be efficient I was
19 unfortunately sloppy here for a minute, so I want to clarify
20 something about these certifications. So, if you could look at
21 the certifications that are marked as 14I, J, A, and L.

22 A. Yes.

23 Q. Before the break I identified those as drugs seized from
24 Manchester Street. Is it, in fact, correct that those were
25 drugs seized from 176 Park Street?

1 A. Yes.

2 Q. And Government's 14M, does that certification refer to the
3 drugs that were seized from 31 Manchester Street?

4 A. Yes.

5 Q. Thank you.

6 MR. AFRAME: I apologize for that.

7 Q. So, let me ask you about what you did. So, you were a
8 case agent. We already heard Mr. Molloy testify what a case
9 agent does, and he talked about a search team that he ran for
10 Water Street.

11 A. Yes.

12 Q. Were you also the lead of a search team?

13 A. Yes, I was.

14 Q. And where did you conduct your search?

15 A. 22 Morton Street in Lawrence, Mass.

16 Q. And can you tell us -- and so what date did that occur?

17 A. April 9, 2018.

18 Q. And, by the way, are you an English and a Spanish speaker?

19 A. Yes. My second language is Spanish -- well, English is my
20 second language. My primary language is Spanish. I'm from the
21 Dominican Republic, born and raised over there.

22 Q. And you searched Morton Street?

23 A. Yes.

24 Q. And who lived in Morton Street?

25 A. Mr. Martinez with his wife, Stephanie De Martinez as well

1 as his kids and his parents, Juana De Martinez and Juvenal De
2 Martinez.

3 Q. And when you entered how did you make -- what time of day
4 did you make entry to Morton Street?

5 A. It was early in the morning, approximately 6:00 a.m.

6 Q. And just tell us what happened?

7 A. We had a search team comprised from DEA agents as well as
8 State Troopers from Massachusetts and New Hampshire. We had a
9 federal search warrant and arrest warrant for Sergio Martinez
10 and his wife Stephanie De Martinez. We ended up making a
11 forced entry into the residence after a knock and announce.
12 Once we proceeded inside the residence, we ended up locating
13 Mr. Martinez and his wife in the first floor in the middle
14 bedroom next to the dining room area.

15 Q. Okay. And did you talk to Mr. Martinez?

16 A. Yes. Upon entry, we first made contact with Stephanie,
17 which was in bed with her son. We couldn't find Mr. Martinez
18 for a few seconds. Subsequently, Mr. Martinez was found hiding
19 behind the bedroom door of that same bedroom.

20 Q. Did you speak to him in Spanish or English that day?

21 A. Both. I ended up giving him instructions due to we needed
22 to apprehend him. Mr. Martinez was not cooperating, refusing
23 to follow our instructions or my instructions, and I was giving
24 him directions in English and Spanish so we can effect the
25 arrest.

1 Q. Okay. And what else happened with Mr. Martinez shortly
2 after --

3 A. Shortly after, Mr. Martinez appeared to be scared, which
4 is completely understandable, since we have a bunch of law
5 enforcement coming into this residence. In the process of not
6 cooperating he ended up dropping to the floor and ended up
7 appearing that he was having some type of a medical issue. I
8 then inquire with Luz (ph), which is his wife, Stephanie, if
9 there was something wrong with him. Stephanie advised me that
10 he was a diabetic and he didn't have any medication. I then
11 inquired with Mr. Martinez if he had any medication. He didn't
12 answer me. He then appeared to pass out. I checked his vital
13 signs. He was breathing. He just, based on my opinion, he
14 just seemed that he was just not cooperating.

15 Q. So, what happened after that?

16 A. We ended up giving him orange juice, and then he ended up
17 waking up, tried to get away from us by walking away from
18 officers, and he was apprehended, placed in handcuffs.

19 Q. Okay. Now, let me show you Government's Exhibit 12A. You
20 made entry at 6:00 in the morning?

21 A. Yes.

22 Q. Do you recognize Government's Exhibit 12A?

23 A. I do.

24 Q. And what is that, Mr. Infante?

25 A. This is a Rolex watch that was found on Mr. Martinez's

1 left wrist when we make entry into the residence.

2 Q. So, he was wearing that?

3 A. He was wearing that, yes.

4 Q. What else was he wearing?

5 A. He was wearing a gold chain around his neck, and he was in
6 his boxers. Appeared that he just woke up.

7 Q. So, let me ask you about some of the other items that were
8 seized. Let's look at Government's Exhibit 2017. Do you
9 recognize that, Mr. Infante?

10 A. Yes.

11 Q. What is that?

12 A. This is the rear photo of the front door of 22 Morton
13 Street.

14 Q. And on the side of what looks like a normal door I see
15 some silver things next to the moldings. What are those?

16 A. Those are used to reinforce the door by placing a
17 2 by 4 through them.

18 Q. Now, when you entered was the door locked with the 2 by 4?

19 A. Through the front door I don't recall, because I entered
20 through the back of the residence, but we had officers in the
21 front of the residence. So, no entry was made through the
22 front door.

23 Q. And let's look at Government's Exhibit 2018.

24 A. Yes.

25 Q. What is that?

1 A. That is a large box full of U.S. currency, which was
2 located on the first floor in the rear pink bedroom, like the
3 kid's bedroom.

4 Q. It was on the floor?

5 A. Yes.

6 Q. And let's look at Government's Exhibit 2019.

7 A. Yeah.

8 Q. It looks like we're in a closet, and I'm going to point
9 your attention to the red bag in front of the truck. Can you
10 just point that out to the jury.

11 A. (Indicating).

12 Q. So, where was this closet?

13 A. That was located on the first floor pink bedroom rear, the
14 kid's room in the first floor.

15 Q. Looking at that picture of the red bag, what's sticking
16 out to the bottom, my right-hand side?

17 A. U.S. currency.

18 Q. And if we look at Government's Exhibit 2020, is that the
19 same red bag?

20 A. Yes.

21 Q. And when it was opened what was inside?

22 A. U.S. currency.

23 Q. Thank you. Now we have here this item (indicating)?

24 A. Yup.

25 Q. Is this item the same thing that's in the box?

1 A. Yes.

2 Q. And do you know what this item is?

3 A. That is an automatic money counter machine.

4 Q. And did you locate -- where were these located?

5 A. The two in the boxes were located in the kid's room in the
6 first floor, in the pink room. The one that appears to be used
7 or is not in the box was located in Mr. Martinez's bedroom on
8 the first floor.

9 Q. And Government's Exhibit 2022, do you recognize that?

10 A. Yes, I do.

11 Q. And what is that?

12 A. That is a Massachusetts driver's license belonging to
13 Sergio Martinez.

14 Q. And where was that found?

15 A. That was located in Mr. Martinez's bedroom on the first
16 floor.

17 Q. And, finally, this is Government's Exhibit 2023. Do you
18 recognize what is this box? Let me open this box --

19 A. Sure.

20 Q. -- to see if you recognize what's inside.

21 (Pause)

22 Q. Like every good gift, it's a box inside a box. Can you
23 now open up and show us what's in that box?

24 A. Yes. (Indicating).

25 Q. And so, what are these?

1 A. Those are red sandwich bags.

2 Q. And what's this box filled with?

3 A. More small boxes of red sandwich bags, it appears.

4 Q. And there are several in this big box?

5 A. Yes.

6 Q. Thank you. Exercise for the day.

7 All right. And Government's Exhibit 2037, a cell
8 phone. Was this acquired -- looking at the sticker, was this
9 acquired by you?

10 A. Yes.

11 Q. And did you find a cell phone that ended in 0001 in the
12 Martinez residence?

13 A. I did.

14 Q. And how did you know that the cell phone was 0001?

15 A. It was located in the bedroom of the first floor at 22
16 Morton Street where Mr. Martinez was located, and the way I
17 confirmed it was by placing a phone call into the triple-zero-1
18 number, and the phone rang.

19 Q. Okay. And that was Government's Exhibit 2037.

20 All right. So, the last thing I want to do now is
21 play a series -- actually, one more thing before we do that.

22 We saw a lot of money that was seized in the search?

23 A. Yes.

24 Q. How was it counted?

25 A. The money was eventually counted officially at Loomis,

1 Londonderry, New Hampshire.

2 Q. And were you present when they did that?

3 A. Yes.

4 Q. And do you know what the count was for the money from the
5 Martinez -- from the Morton Street search?

6 A. From the Morton Street it was a total of \$133,434.

7 Q. And was the same count, was a money count done at the same
8 time for the money that was found at Water Street?

9 A. Yes.

10 Q. That's the search that Mr. Molloy testified about
11 yesterday?

12 A. Yes.

13 Q. And how much was found at Water Street?

14 A. That one, the official count was \$54,170.

15 Q. And we also heard testimony that approximately \$400,000
16 was seized from Mr. Martinez's car as he traveled to New
17 York --

18 A. Yes.

19 Q. -- on February 25th to 6th?

20 A. Yes.

21 Q. Was that also counted?

22 A. It was counted.

23 Q. And what was the exact count for that?

24 A. It was also officially counted at Loomis, and that was
25 \$400,494.

1 Q. Thank you. Now, the last thing I would like to do with
2 you is to play a series of telephone calls. Now, let's start
3 with 5/18. And did you listen to this call prior to trial?

4 A. Yes.

5 Q. And was Mr. Martinez's voice -- does the left-hand column
6 correctly identify Mr. Martinez?

7 A. Yes.

8 Q. Thank you. If we can play Government's 518.

9 (Audio recording played)

10 Q. Do you know at the end of March, this is March 26th, 2018
11 at 2:00 p.m., from travel records do you know where Sergio
12 Martinez was at that time?

13 A. Heading to the Dominican Republic.

14 Q. Let's turn now to 1101. And, again, did you listen to
15 this call?

16 A. Yes.

17 Q. And was Sergio Martinez's voice correctly identified?

18 A. Yes.

19 Q. And "UF," does that just stand for -- "UF4648," does that
20 just mean Unidentified Female and the last four digits of the
21 phone number?

22 A. Correct.

23 Q. Thank you.

24 (Audio recording played)

25 Q. Turning to Government's 1102, again, did you identify the

1 voice of Sergio Martinez on this call?

2 A. Yes.

3 Q. Do you know Jimmy, or does it just say "Jimmy" because he
4 identifies himself in the call as "Jimmy"?

5 A. Because he was identified in the call. I don't know a
6 Jimmy.

7 Q. Okay. Thank you.

8 (Audio recording played)

9 Q. And do you know which telephone this was intercepted from?

10 A. This specific call I believe was the 6702, 224.

11 Q. Is that what we've either called the big phone or the
12 silver phone?

13 A. Yes.

14 Q. And now 11:03. Do you recognize the Sergio Martinez voice
15 at the places marked on the transcript?

16 A. Yes.

17 (Audio recording played)

18 Q. Government's 104 -- 1104. Again, did you recognize the
19 voices in this call belonging to Mr. Martinez where it's so
20 marked on the transcript?

21 A. Yes.

22 (Audio recording played)

23 Q. Government's Exhibit 105 -- 1105. Again, have you
24 listened to this call?

25 A. Yes.

1 Q. And is Sergio Martinez correctly identified as the speaker
2 on the transcript?

3 A. Yes.

4 Q. Thank you.

5 (Audio recording played)

6 Q. Based on surveillance that was done in this case, is that
7 accurate in the sense that we've heard about certain customers
8 where a taxi would deliver drugs to them, but other than that
9 would the runners move to meet the customers based on the
10 surveillance that was done?

11 A. No. Most of the runners worked in specific streets in the
12 Lawrence area. They might move a couple of houses up and down,
13 but they would stay within the street. After serving customers
14 they would either move to another street if they feel that that
15 street is hot.

16 Q. Okay. Government's Exhibit 1106. Again, does this
17 transcript correctly identify Mr. Martinez as the speaker?

18 A. Yes.

19 (Audio recording played)

20 Q. Government's Exhibit 1107. Again, when you listened to
21 this call you verified the voice as Mr. Martinez's?

22 A. Yes

23 (Audio recording played)

24 Q. Government's Exhibit 1108. Did you review that call
25 before, when we met in my office?

1 A. Yes.

2 Q. And when you listened to it, did the voices comport with
3 that transcript?

4 A. Yes.

5 Q. Okay. Thank you. So, if you do want to follow along, it
6 will be 1108A.

7 (Audio recording played)

8 Q. 1109. Mr. Infante, did you listen to this call before, in
9 my office?

10 A. Yes.

11 Q. And is Mr. Martinez's voice accurately identified in the
12 transcript?

13 A. Yes.

14 (Audio recording played)

15 Q. 1110. And, again, are you familiar with this call?

16 A. Yes.

17 Q. And is the voice of Mr. Martinez correctly identified in
18 the transcript?

19 A. Yes.

20 (Audio recording played)

21 Q. They are referring to a guy getting busted in Salem, New
22 Hampshire. Do you know who that is?

23 A. Yes.

24 Q. Who is that?

25 A. It's Rafael Tejada, a/k/a "Rafi."

1 Q. 1111. Again, so this call identifies the same
2 unidentified male as the prior call, and was Sergio Martinez
3 the other speaker in this call?

4 A. Yes.

5 (Audio recording played)

6 Q. Have you heard the phrase "smoking" before?

7 A. Yes.

8 Q. What does that mean?

9 A. In these terms it means the police will arrest you and
10 prosecute you.

11 Q. 1112. Again, so here did you listen to the voices?

12 A. Yes.

13 Q. And was this Raulin Martinez?

14 A. Yes.

15 (Audio recording played)

16 Q. 1113A. And do you recognize this call?

17 A. Yes.

18 Q. Is Sergio Martinez's voice identified correctly?

19 A. Yes.

20 Q. Okay.

21 (Audio recording played)

22 Q. And 1114. Did you listen to this call in my office?

23 A. Yes.

24 Q. And do the "SM" designations on the speaker column
25 correctly identify Mr. Martinez's voice?

1 A. Yes.

2 (Audio recording played)

3 Q. 1115. And, again, do the SM designations, based on your
4 listening to the call, correctly identify Mr. Martinez as the
5 speaker?

6 A. Yes.

7 (Audio recording played)

8 Q. 1116. So, 1116A. No, 1116. And so, you've told us
9 already, Mr. Infante, that you speak Spanish, correct?

10 A. Yes.

11 Q. And was this call in Spanish?

12 A. Yes.

13 Q. And on the speaker column the designations are "RM" and
14 "SM"?

15 A. Mm-hmm.

16 Q. Do the "RM" column designations correctly reflect Raul
17 Martinez?

18 A. Yes.

19 Q. Do the "SM" columns correctly represent Sergio Martinez's
20 voice.

21 A. Yes.

22 (FOLLOWING IS A READING OF THE TRANSCRIPT AS READ BY ATTORNEY
23 AFRAME AND ATTORNEY KONESKY):

24 MS. KONESKY: Talk to me.

25 MR. AFRAME: How much money was it that you gave?

1 MS. KONESKY: Three forty.

2 MR. AFRAME: Well, there wasn't three forty there.

3 MS. KONESKY: And what is it that they say there was?

4 MR. AFRAME: No. They counted it in front of me and
5 in front of this guy. This guy counted it.

6 MS. KONESKY: And what do they claim was there?

7 MR. AFRAME: There is 331.

8 MS. KONESKY: No, no. Are you crazy or what? No, no,
9 no. Not true.

10 MR. AFRAME: They counted it in front of me.

11 MS. KONESKY: Not true, because I counted it. There
12 were 100,000, but there were 100,000 bucks in hundreds, and
13 there were 24 in 20, 20, 24 packages of hundreds.

14 MR. AFRAME: 20, 20, 20.

15 MS. KONESKY: In 10s.

16 MR. AFRAME: In hundreds. There were only 23.

17 MS. KONESKY: No, no, no, no.

18 MR. AFRAME: In tens.

19 MS. KONESKY: No, because I counted them before --
20 before you left.

21 MR. AFRAME: In 20s, in 20s.

22 MS. KONESKY: There were 50s. There was one, a
23 package of 50s.

24 MR. AFRAME: There were 23 packages, 23 packages and
25 hundreds, hundred.

1 MS. KONESKY: No way, no way, because I know what I
2 put in there.

3 MR. AFRAME: And you put, like, a couple of fives?

4 MS. KONESKY: No. Mine -- there were no fives either.

5 MR. AFRAME: There were fives. So, you know, I have
6 video here when they uncovered it.

7 MS. KONESKY: There wasn't. No, there wasn't. Fool.
8 Not true. That's not true. Then, well, they stole 9,000
9 bucks, they stole it. That is not true. Look, that -- that is
10 not true because the money was --

11 MR. AFRAME: They counted it for me, too. I counted
12 mine with 8,000 bucks.

13 MS. KONESKY: No, no. Well that is not true, then.
14 When -- where are they -- are they going to charge you a
15 percentage and on top of that they're going to steal more than
16 1,000 bucks? That is just a simple lie, because, because my
17 money was properly counted. 24 packages of tens, that is, that
18 is 200, 220, 200, 240,000 bucks.

19 MR. AFRAME: In 10s. No, no, 20s. There were only 23
20 packages. They counted it in front of me.

21 MS. KONESKY: Fool. But I had it, fool. I was the
22 one who counted it. I had 24, because 24 packages of 10, which
23 makes 240 plus the 100. It was complete, they were complete,
24 because before -- because -- because before you left I sat in
25 here and counted it, and the 100,000 bucks were there. Now

1	what?
---	-------

2 (End of reading of the transcript)

3 BY MR. AFRAME:

4 Q. 1117. Again, this was a Spanish call. Did you listen to
5 it in Spanish?

6	A. Yes.
---	---------

7 Q. And did you identify Mr. Martinez's voice?

8	A. Yes.
---	---------

9 (FOLLOWING IS A READING OF THE TRANSCRIPT AS READ BY ATTORNEY
10 AFRAME AND ATTORNEY KONESKY):

11 MR. AFRAME: The thing is, I don't know what you're
12 doing at a factory busting yourself for fucking 200, 300 bucks
13 for nothing, when you can get that in a flash.

14 MS. KONESKY: You can imagine that this is what I've
15 been --

16 MR. AFRAME: What you make there in one we- -- in
17 almost two weeks you make it here in one week, one day.

18 MS. KONESKY: Yes, I know. Yes, I know. No, that,
19 man, I'm going to chuck that other thing.

20 MR. AFRAME: Two weeks.

21 MS. KONESKY: Right.

22 MR. AFRAME: Two weeks at the factory and you make it
23 in three hours here, taking care, and it's done.

24 MS. KONESKY: Yes, yes. No. I already --

25 (End of reading of the transcript)

1 BY MR. AFRAME:

2 Q. Government's Exhibit 118 -- sorry. 119. Excuse me.

3 1119. And was this call in Spanish?

4 A. Yes.

5 Q. And did you listen to the voices?

6 A. Yes.

7 Q. And are the Raul Martinezes correct in the speaker column?

8 A. Yes.

9 Q. And are the Sergio Martinez designations correct?

10 A. Yes.

11 (FOLLOWING IS A READING OF THE TRANSCRIPT AS READ BY ATTORNEY
12 AFRAME AND ATTORNEY KONESKY):

13 MS. KONESKY: Hello.

14 MR. AFRAME: The big phone. Who is taking care of the
15 calls, Dude?

16 MS. KONESKY: What?

17 MR. AFRAME: The big calls.

18 MS. KONESKY: Who is the one taking care of them?

19 MR. AFRAME: Yes.

20 MS. KONESKY: Send to Vermont.

21 MR. AFRAME: No. It's not him.

22 MS. KONESKY: Vermont is the one that that is there.
23 He said he's about to finish soon.

24 MR. AFRAME: Fine. So that --

25 MS. KONESKY: Vermont and what's that? Vermont and

1 Rafi are the ones that are there. Uh, Vermont has sold like,
2 like almost 300, one of 140 and stuff.

3 MR. AFRAME: But had he finished what he had sold
4 yesterday? He -- he had sold 170 yesterday.

5 MS. KONESKY: No, but he didn't finish. But today,
6 today he has sold -- it was one of 100 and another 140. Now he
7 has 140 and he has two bags.

8 MR. AFRAME: And Rafi, where about is he?

9 MS. KONESKY: The one that finished yesterday, the one
10 that finished yesterday was Rafi.

11 (End of reading of the transcript)

12 BY MR. AFRAME:

13 Q. And do you know did the individual known as Rafi testify
14 at the trial?

15 A. Yes.

16 Q. And who is that?

17 A. Rafael Tejada.

18 Q. 1120 again. Was this a Spanish call?

19 A. Yes.

20 Q. And are the Sergio Martinez designations in the speaker
21 column correct based on what you heard?

22 A. Yes.

23 (FOLLOWING IS A READING OF THE TRANSCRIPT AS READ BY ATTORNEY
24 AFRAME AND ATTORNEY KONESKY):

25 MS. KONESKY: But are you going to prepare soon?

1 MR. AFRAME: Huh?

2 MS. KONESKY: Uh, are you going soon, to already pack
3 soon?

4 MR. AFRAME: We are working.

5 MS. KONESKY: Uh, so take us there already today.

6 MR. AFRAME: No. If you want to come, come over here
7 and like that. You understand? One does not work here all the
8 time. We here, uh, for instance today and one come, comes back
9 in 10 or 12 days. After, in 10, 12 and one is coming to do
10 from 10 to 12.

11 MS. KONESKY: When do you start again?

12 MR. AFRAME: You know -- no, they are already starting
13 mixing it. They are -- and stuff. They are going to start
14 pack -- packing and stuff.

15 MS. KONESKY: So, I will get the training the --

16 MR. AFRAME: You understand?

17 MS. KONESKY: -- then because --

18 MR. AFRAME: I'm here at Park.

19 MS. KONESKY: But I don't know where it is.

20 MR. AFRAME: Yes, yes, at 176.

21 MS. KONESKY: Uh, okay. All right.

22 MR. AFRAME: So, we'll see you.

23 MS. KONESKY: So, all right.

24 MR. AFRAME: There. Look for the number, the 176. If
25 not me still -- right away.

1 MS. KONESKY: Okay. Yes. All right.

2 (End of reading of the transcript)

3 BY MR. AFRAME:

4 Q. And the last one, 1122. And, again, did you listen to
5 this call in Spanish?

6 A. Yes.

7 Q. And do the SM designations represent Sergio Martinez's
8 voice correctly?

9 A. Yes.

10 (FOLLOWING IS A READING OF THE TRANSCRIPT AS READ BY ATTORNEY
11 AFRAME AND ATTORNEY KONESKY):

12 MR. AFRAME: I just tell them I don't care if they
13 want to go to jail, go to jail. The ones who are going to be
14 locked up there at Middleton are they?

15 MS. KONESKY: Of course.

16 MR. AFRAME: I tell them so they can take care of
17 themselves, but if they don't want to take care of themselves
18 unfortunately, I'm sorry.

19 MS. KONESKY: No, the thing is that I do. I tell them
20 I find streets for them, because I live -- I live around the
21 corner and stuff. I live --

22 MR. AFRAME: Why don't they stay in Haverhill, man?
23 Whoever stays in Haverhill doesn't go to jail. In Haverhill.
24 The only thing is that you can't linger. Haverhill's a bit
25 cooler --

1 MS. KONESKY: That --

2 MR. AFRAME: -- than Lawrence.

3 MS. KONESKY: That's what I tell them. That's what I
4 tell them, and better in that little street.

5 MR. AFRAME: And the clients, the --

6 MS. KONESKY: Have you -- have you gone in there?

7 MR. AFRAME: Clients don't want to go into Lawrence
8 anymore. If you don't have Lawrence, there's Haverhill right
9 there, because they come down right from over there, from
10 Plaistow, from Hampton.

11 MS. KONESKY: Uh-huh.

12 MR. AFRAME: From all those places down there.

13 MS. KONESKY: That's true.

14 MR. AFRAME: And it's cooler than -- remember, New
15 Hampshire plates. Plaistow is right there, right there, and
16 they can't, they can't complain.

17 MS. KONESKY: That is true.

18 MR. AFRAME: But here in Lawrence you're in jail.

19 (End of reading of the transcript)

20 BY MR. AFRAME:

21 Q. No further questions, Trooper Infante.

22 A. Thank you.

23 THE COURT: Cross. Actually. Since we're going to
24 1:00, let's take a little break. Probably about 45 minutes of
25 cross or whatever you need. We're in recess.

1 THE CLERK: All rise.

2 (Recess taken from 12:04 p.m. to 12:19 p.m.)

3 THE CLERK: Please be seated.

4 CROSS-EXAMINATION

5 BY MR. SHEKETOFF:

6 Q. Good afternoon, Trooper Infante.

7 A. Good afternoon, sir.

8 THE COURT: You're still under oath.

9 THE WITNESS: Thank you, your Honor.

10 Q. Sir, you were involved with this investigation from the
11 beginning; is that fair to say?

12 A. Yes, sir.

13 Q. And you know all the people that were arrested in
14 connection with this case?

15 A. Yes.

16 Q. You know their names, you know what they were charged
17 with?

18 A. Yes.

19 Q. I mean, I might be able to trick you with one or two, but
20 basically you know them all, correct?

21 A. Yes, sir.

22 Q. And Raulin or Raul Martinez you understand to be my
23 client's brother?

24 A. Yes.

25 Q. And he was arrested?

1 A. Yes.

2 Q. Also on April 9th?

3 A. Yes.

4 Q. Of 2018?

5 A. Yes.

6 Q. And he pled guilty to the 400 kilo -- I mean the 400-gram
7 conspiracy charge?

8 A. I believe so.

9 Q. He was never charged with a CCE, was he?

10 A. No.

11 Q. And Alfredo Martinez has never been charged with anything;
12 is that fair to say?

13 A. Correct.

14 Q. Did Raulin Martinez reach a plea agreement with the
15 government that included cooperation?

16 A. I believe so.

17 Q. And was he on the government's witness list?

18 A. Yes.

19 Q. Do you know of your own personal knowledge whether the
20 government is going to call him as a witness in this case?

21 A. I don't know.

22 Q. Now, you testified about two phone calls between Raulin
23 Martinez and Sergio Martinez where you said you recognized
24 their voices, correct?

25 A. Yes.

1 Q. During the course of the wiretap, the 90 days or so that
2 it was up, how many phone calls between those two brothers were
3 intercepted, approximately?

4 A. I want to say over 40.

5 Q. 40 or so?

6 A. Approximately, yeah. I don't know the exact amount. 40
7 or 50.

8 Q. Okay. But in that vicinity?

9 A. More or less.

10 Q. So, they weren't talking to each other once a day on the
11 phone, at least. A little less than once a day, maybe once
12 every two days?

13 A. Possibly.

14 Q. I'm just asking for your best estimate.

15 A. Okay. I would say at least once a day or twice a day,
16 maybe.

17 Q. And how many interceptions of Alfredo Martinez occurred?

18 A. None.

19 Q. Not a single one?

20 A. Due to the wire I don't recall an intercept with Alfredo
21 Martinez.

22 Q. Now, the two calls that were picked out, did you
23 participate in deciding which two calls would be picked out
24 between Raulin Martinez and Sergio Martinez?

25 A. No.

1 Q. That was somebody else's decision?

2 A. For this trial?

3 Q. For trial.

4 A. Yes.

5 Q. All right. I'd like to talk about that first call a
6 little bit, where the two brothers are talking about some
7 relatively large sum of money?

8 A. Yes.

9 Q. And Raulin Martinez is saying to Sergio Martinez words to
10 the effect of, I counted that money before I sent you with that
11 money or before you left with that money?

12 A. Yes.

13 Q. And Sergio Martinez is saying something like, They're
14 counting it in front of me, and it's short?

15 A. Yes.

16 Q. And Raulin replies, Basically, I counted it. It's not
17 short?

18 A. Correct.

19 Q. Okay. And Raulin calls Sergio a fool during the course of
20 that conversation?

21 A. Yes.

22 Q. Okay. Now, did you ever try out either of those two money
23 counting machines that you found on Morton Street?

24 A. Can you repeat the question? I'm sorry.

25 Q. Yeah. Did you ever try either of those two money counting

1 machines?

2 A. No.

3 Q. You don't know how they work? In other words, do you know
4 whether you have to separate the bills in order to count them
5 on that machine?

6 A. I'm not familiar with the machine.

7 Q. Okay. You've never used a money-counting machine?

8 A. Unfortunately not.

9 MR. SHEKETOFF: Thank you, sir.

10 THE COURT: Any redirect?

11 MR. AFRAME: No, your Honor.

12 THE COURT: Trooper, you may step down.

13 THE WITNESS: Thank you, your Honor.

14 (Witness stepped down)

15 MR. AFRAME: The United States calls Eduard Amparo.

16 THE CLERK: The Court reminds the interpreter you're
17 still under oath.

18 THE INTERPRETER: Yes.

19 THE CLERK: If you could carefully step into the
20 witness box and remain standing.

21 **EDUARD AMPARO**, having been duly sworn by the Clerk,
22 was examined and testified through the interpreter as follows:

23 THE CLERK: Please state your full name, spelling your
24 last.

25 THE WITNESS: Eduard Amparo, A-m-p-a-r-o.

1 THE CLERK: Please be seated.

2 DIRECT EXAMINATION

3 BY MR. AFRAME:

4 Q. Good afternoon, Mr. Amparo.

5 A. Good afternoon.

6 Q. How old are you, sir?

7 A. More or less.

8 Q. How old are you, sir?

9 A. Forty-seven years old.

10 Q. And where were you born?

11 A. In the Dominican Republic.

12 Q. And are you presently married?

13 A. Yes, but we're separated.

14 Q. And do you have a girlfriend?

15 A. That is correct.

16 Q. And do you have children?

17 A. Yes.

18 Q. And what are their age ranges?

19 A. The youngest, she's three years old. The oldest is 26.

20 Q. And when did you first come to the United States for the
21 first time?

22 A. Early '90s, in '93.

23 Q. And when you came in the early '90s, did you come legally
24 or illegally?

25 A. Illegally.

1 Q. And when you came illegally in the early '90s, where did
2 you live in the United States?

3 A. In Massachusetts.

4 Q. And when you were in Massachusetts in the early '90s did
5 you engage in drug trafficking?

6 A. That is correct.

7 Q. And were you arrested and charged with drug trafficking?

8 A. That is correct.

9 Q. And what kind of drug were you trafficking?

10 A. Cocaine.

11 Q. And did you go to trial?

12 A. Yes.

13 Q. What happened in that trial?

14 A. I lost the trial. They found me guilty.

15 Q. And did you go to jail in Massachusetts?

16 A. That is correct.

17 Q. And how long were you in jail for?

18 A. Seventeen years.

19 Q. And when you finished that sentence, what happened?

20 A. I was transferred to a federal jail for immigration.

21 Q. And then what?

22 A. And then -- and I was deported afterwards.

23 Q. And deported to where?

24 A. To my country.

25 Q. And about what year were you sent back to the Dominican

1 Republic?

2 A. 2011.

3 Q. Now, you've told us about this 1994 conviction. I see
4 that you're wearing prison clothing today. Are you living in
5 jail now?

6 A. Yes.

7 Q. And do you have another drug-related conviction?

8 A. That is correct.

9 Q. And is that related to this case?

10 A. That is correct.

11 Q. And what's the charge to which you -- have you pled guilty
12 to that charge?

13 A. Yes.

14 Q. And what is the charge that you pled guilty to?

15 A. Conspiracy and conspiracy with intent to distribute and
16 possession.

17 Q. And distribute what?

18 A. Fentanyl.

19 Q. And do you know what quantity you've pled guilty to
20 conspiring to distribute?

21 A. 400 grams and more.

22 Q. And do you know right now what you're facing for a minimum
23 sentence?

24 A. Fifteen years.

25 Q. And do you know the maximum that you're facing?

1 A. Life.

2 Q. And are you testifying today as part of a cooperation
3 agreement with the government?

4 A. That is correct.

5 Q. And do you hope that by cooperating you're going to end up
6 with a lesser sentence than you otherwise would have?

7 A. That is correct.

8 Q. Has any promise been made to you about what sentence
9 you'll ultimately receive?

10 A. Not yet.

11 Q. And who is going to decide, ultimately, your sentence?

12 A. To my understanding, it will be the judge.

13 Q. And do you have any deal arrangements with the judge?

14 A. No.

15 Q. What are you hoping that the United States Attorneys will
16 do at your sentencing?

17 A. Well, that they recommend a lower sentence.

18 Q. And do you understand what you have to do if that were to
19 happen? What's your responsibility?

20 A. To tell the truth. That's all.

21 Q. And what happens if you do not tell the truth?

22 A. Well, I would not receive any benefit in exchange; and
23 anything that I say that is not the truth could be used against
24 me.

25 Q. Okay. Now, let me turn to ask you if you know Sergio

1 Martinez.

2 A. Yes.

3 Q. And do you see him in the courtroom?

4 A. Yes.

5 Q. And where is he located? Can you just identify him for us
6 by an article of clothing?

7 A. Um, he's to my right. I see that he's wearing a black
8 suit and a white shirt.

9 Q. Thank you. Now, how did you first meet Sergio Martinez?

10 A. In the -- in the Dominican Republic.

11 Q. What were the circumstances that brought you two to meet?

12 A. Well, the truth is that he knows part of my family, and
13 one day a relative of mine introduced him to me.

14 Q. And around what year was that?

15 A. 2016.

16 Q. Did you discuss drug trafficking with him after you met?

17 A. No, not at that same moment. We did speak about drugs
18 afterwards but not at that time.

19 Q. Okay. How much later after you met him?

20 A. I would say a month later.

21 Q. And did you discuss with Mr. Martinez your history with
22 drug trafficking?

23 A. He knew it. He knew that I had previously been in prison
24 from my family.

25 Q. And did you discuss with Mr. Martinez his drug business

1 back in the United States?

2 A. We spoke of it, yes.

3 Q. And, generally speaking, what did he describe as to what
4 he was doing in the United States?

5 A. That he had a business of selling drugs here.

6 Q. Were there any discussions in the Dominican about anything
7 you might do to help his organization?

8 A. Well, I had in my plans to come back here to the United
9 States once again, well, and if I saw myself that I needed
10 work, well, if I could work with him.

11 Q. Did you come back to the United States?

12 A. That is correct.

13 Q. In what year?

14 A. 2017.

15 Q. And did you come this time legally or illegally?

16 A. Illegally once again.

17 Q. And how did you do that? How did you make the trip from
18 the Dominican to the United States?

19 A. A flight to Bahamas and from Bahamas to Miami in a boat.

20 Q. And what did it cost you to do that?

21 A. \$20,000.

22 Q. Now, when you came to the United States in 2017 where did
23 you go to live?

24 A. To Lowell.

25 Q. In what state?

1 A. Massachusetts.

2 Q. And did you have family there?

3 A. Yes.

4 Q. Who lived there?

5 A. I have a daughter and a son.

6 Q. Okay. Now, when you came initially to the United States,
7 did you immediately ask Mr. Martinez for work?

8 A. No, not immediately, because I started working at first.

9 Q. And where did you work at first?

10 A. In a convenience store in Lowell.

11 Q. And how much did that pay you a week?

12 A. When I started, \$149 a week. Afterwards, they gave me a
13 raise, a while after, up to \$8.25 an hour, so I would earn 260.

14 Q. Okay. Was that sufficient money for you to live on?

15 A. Of course not.

16 Q. Did you reach out to Mr. Martinez about potential work?

17 A. We spoke about work, yes.

18 Q. What was the first potential -- did he offer you a job
19 within his organization?

20 A. That is correct.

21 Q. And what was that initial job that he offered you?

22 A. To take care of customers, small customers.

23 Q. And did you accept or decline that offer?

24 A. I declined.

25 Q. Why did you decline that offer, Mr. Amparo?

1 A. Considering my past, and considering that I would have to
2 be out in the street looking at customers, I didn't want to
3 risk being out in the street and having people look at me.

4 Q. Okay. So, did you try to think of another way that you
5 could make money by helping Mr. Martinez?

6 A. Uh, yes.

7 Q. And what other way did you think of that you could
8 possibly help him?

9 A. Well, at least trying to sell to him, me selling to him.

10 Q. And what were you trying to sell?

11 A. Fentanyl.

12 Q. Did you have a connection within the United States where
13 you believed you could get fentanyl to sell to Mr. Martinez?

14 A. Yes.

15 Q. What was that connection?

16 A. A connection I had in New York.

17 Q. And who was -- did that person have a name?

18 A. I knew him from a nickname. They would call him
19 "Coquito."

20 Q. Did you know his full name?

21 A. No. It was a nickname.

22 Q. Thank you. How were you connected to Coquito? What was
23 the method by which you were introduced to this person?

24 A. I have a friend in Santo Domingo. He used to move in the
25 situation, in the drug business, and he used to know a lot of

1 people; and when I called him and told him about my situation
2 here in the United States I asked him if he knew someone here
3 in the States who I could contact. So, he knew someone over
4 there who had a nephew over here. That nephew was Coquito, and
5 he contacted me with him.

6 Q. So, once you made your connection with Coquito, did you
7 make attempts to try to sell fentanyl to Mr. Martinez on
8 multiple occasions?

9 A. That is correct.

10 Q. And how many times, roughly, do you think you tried to
11 sell fentanyl to Mr. Martinez?

12 A. I couldn't tell you exactly how many times, but several
13 times.

14 Q. Okay. How many times were you successful in selling to
15 Mr. Martinez?

16 A. Only once.

17 Q. Now, can you describe to us the process by which you would
18 obtain the drugs from New York and bring them back to
19 Mr. Martinez?

20 A. Well, when Coquito would call me and tell me that he had
21 something, I would go to New York. He would give me whatever
22 he had, and I would bring it here.

23 Q. And would you drive yourself?

24 A. No.

25 Q. How would you go?

1 A. In a bus.

2 Q. Would you come back in a bus?

3 A. That is correct.

4 Q. And how would you conceal the drugs while you were on the
5 bus?

6 A. I would take a suitcase with clothes with me. I would put
7 the drugs in the suitcase and put the drugs -- the suitcase in
8 the back, in the trunk. On some occasions I went without
9 carrying any luggage, so I would prepare a bag or something.

10 Q. Would you pay Coquito for the drugs when you picked them
11 up?

12 A. No.

13 Q. What was Coquito's price for the drugs, if ultimately they
14 had to be paid for?

15 A. The price changed, but between 60 to 64.

16 Q. Thousand?

17 A. Yes.

18 Q. And what were you going to attempt to sell them to
19 Mr. Martinez for?

20 A. Well, if I got them at 60, I would try at least to get 65,
21 64. If I got them for 64, I would try 67, 68.

22 Q. Okay. So, you were hoping to make a
23 several-thousand-dollar profit on each kilo?

24 A. That is correct.

25 Q. And you said that you were only successful in having

1 Mr. Martinez buy the kilo one time?

2 A. That is correct.

3 Q. Was that towards the beginning of your trying or towards
4 the end?

5 A. The beginning.

6 Q. So, you've told us you tried this several times, so there
7 was a lot of failure. Why did you understand that you were
8 failing in being able to sell this fentanyl to Mr. Martinez?

9 A. Well, according to him, because of the quality.

10 Q. And when he would tell you that the quality was no good,
11 what would happen to the kilos that you had attempted to sell
12 him?

13 A. I would call the owner, tell him what was happening, so he
14 would get them to pick them up. On some occasions he didn't
15 have anyone to come and pick them up, so I had to take them
16 with me and take them back.

17 Q. Okay. And did you ever find any other buyers instead of
18 returning them?

19 A. Yes.

20 Q. So, I want to turn now to a few telephone calls that are
21 related to this aspect of your work. So, turning to
22 Government's Exhibit 1201, Mr. Amparo, when we met in my office
23 to discuss your testimony, did we go over a series of recorded
24 telephone calls?

25 A. Yes.

1 Q. And were those played for you in Spanish?

2 A. Yes.

3 Q. And among the questions I asked about those calls did I
4 ask you to confirm that the speakers on the transcripts were
5 identified correctly?

6 A. Yes.

7 Q. Looking at this transcript, do you recall listening to
8 this call?

9 A. Do I have to read it?

10 Q. You just have to look at it enough to recognize it as a
11 call you listened to.

12 A. Yes.

13 Q. And when we listened to that did you confirm for me that
14 the speakers were identified correctly?

15 A. Yes.

16 Q. Okay. And this call has a date and time of February 7th,
17 2018 at 10:18 at night?

18 A. Yes.

19 (FOLLOWING IS A READING OF THE TRANSCRIPT AS READ BY ATTORNEY
20 AFRAME AND ATTORNEY KONESKY):

21 MS. KONESKY: What's the news.

22 MR. AFRAME: Chillin. I was checking this here. Is
23 this the white one, man?

24 MS. KONESKY: Yes, of course.

25 MR. AFRAME: It looks like --

1 MS. KONESKY: So, this one is more --

2 MR. AFRAME: Color.

3 MS. KONESKY: Whiter than Bill Clinton, as they say.

4 MR. AFRAME: Who said? But this is yellow.

5 MS. KONESKY: No, man.

6 MR. AFRAME: No, but I have it on my hand, Mister,
7 here, right now. Are you the one who did the little hole?

8 MS. KONESKY: Yes, it was me who did it, of course.

9 MR. AFRAME: Well, that is yellow.

10 MS. KONESKY: Hmm.

11 MR. AFRAME: Well, that is like an ash color. No,
12 because he called me like three days ago or two, told me the
13 same thing, like, like --

14 MS. KONESKY: Uh, uh, uh.

15 MR. AFRAME: People down there so that --

16 MS. KONESKY: As far as I know, that guy does not,
17 does not know those people. In fact, I know those people,
18 because they are guys that we grew up together in the --

19 MR. AFRAME: I see.

20 MS. KONESKY: -- same neighborhood, and they are over
21 there at Vicente's (ph) and stuff.

22 MR. AFRAME: Mm-hmm.

23 MS. KONESKY: So --

24 MR. AFRAME: Yes, but --

25 MS. KONESKY: Tell me. So, that arrived and it stuck

1 because he has to be given money, you know? It was at dawn
2 today that he wanted me to go get that from him.

3 MR. AFRAME: Yes, Mister. This -- this is of the
4 other thing, right?

5 MS. KONESKY: Mm, of the, of the yellow?

6 MR. AFRAME: This smells like chicken shit.

7 MS. KONESKY: Mm.

8 MR. AFRAME: The color says it all. The color, the
9 color says it all. This is yellow, yellow.

10 MS. KONESKY: Uh --

11 MR. AFRAME: It's like soil, and this is, this is one
12 of the other things, it smells like that, too. This one, this
13 one is of the black one. This one is the black one.

14 MS. KONESKY: The black one, but the black one is not
15 that same one. I mean, it is not, it's not from the same line.

16 MR. AFRAME: Look, no, this one is -- it is -- it is
17 like the one I gave you once, remember?

18 MS. KONESKY: Mm-hmm.

19 MR. AFRAME: And it was returned that time.

20 MS. KONESKY: Mm-hmm.

21 MR. AFRAME: And it was the same.

22 MS. KONESKY: Damn. You think that is the same thing,
23 man? But to me --

24 MR. AFRAME: Of course. I put it on my tongue just
25 now. That stinks like chicken shit.

1 MS. KONESKY: They gave it to me as that one.

2 MR. AFRAME: Because it's that -- this is of the
3 other, because it's yellow. This is yellow.

4 MS. KONESKY: I see.

5 MR. AFRAME: Mm-hmm.

6 MS. KONESKY: I saw it. It has a color like beige.
7 Look at it.

8 MR. AFRAME: Like beige? This is beige? No beige.
9 It's a bit -- a bit beige but not this one. This is like, like
10 sand from the beach.

11 MS. KONESKY: Damn.

12 MR. AFRAME: Sand from the beach.

13 MS. KONESKY: But anyway, Mister -- so with regards to
14 the other thing, he says there are -- but he has to be given
15 four. Four times four is 16.

16 MR. AFRAME: Mm-hmm.

17 MS. KONESKY: I don't know if you want to get into
18 that. I gave it to you where you -- with a couple of -- a
19 couple of pesos that you let me make for each one. I'm happy
20 to --

21 MR. AFRAME: How much did he have it for?

22 MS. KONESKY: No, he has not given me a price. He
23 told me, When you get the money, if you get it, you call me.

24 MR. AFRAME: But what is it to take it down?

25 MS. KONESKY: Say again?

1 MR. AFRAME: What is it that he has, four children?

2 MS. KONESKY: Four children, yes. He actually has
3 eight, but they are -- uh -- there are -- there are -- there
4 are, sorry, seven, but there are three of the other ones that
5 are not of that line, but of the one you say that one is, and I
6 know you don't get your hand in that, so what I --

7 MR. AFRAME: No, I don't fuck with that.

8 MS. KONESKY: I -- if you know someone too, what I --
9 I'm going to talk to him, is to grab that and -- and that's it.
10 If anything, if you want --

11 MR. AFRAME: Mm-hmm.

12 MS. KONESKY: If anything, you yourself can go down
13 with me and send your people so you see that it is not, it is
14 not any --

15 MR. AFRAME: No, no, no, no, no. Don't need to even
16 do it as if we had to go see. He wants to make sure that you
17 assure me that you have worked well. That's it. That's it
18 not. You understand?

19 MS. KONESKY: No, no, because, listen, what we can do,
20 what I had in mind, because you know that not all the stuff
21 passes, not everything is good --

22 MR. AFRAME: Mm-hmm.

23 MS. KONESKY: -- I will speak with him. That is why I
24 wanted to meet with him, for me to call him right there in
25 front of you and tell him that, in case that does not pass for

1 what it is, that I was going to keep that until the 16 bucks
2 show up.

3 (End of reading of the transcript)

4 BY MR. AFRAME:

5 Q. Mr. Amparo, can you describe for us generally what you're
6 talking about here with Mr. Martinez?

7 A. It was first regarding this drug I brought him that he did
8 not like, because it was yellow, and he did not like that
9 color. He wanted it white. And the second was regarding 4
10 kilos.

11 Q. Okay. Tell me about the 4 kilos. I'm sorry.

12 A. That was a drug that arrived from Mexico. So, they had 4
13 kilos for me to bring over, but in order to receive them I had
14 to give 4,000 for each one, and so -- well, what I wanted was
15 for him to at least to put the 16,000 bucks so he would keep
16 the drugs if he liked them, and/or at least if he didn't want
17 to, that he would come with me to New York or that he would
18 send with me someone that he trusted in so they could confirm.

19 Q. And did he want to do that?

20 A. It's the only --

21 Q. Did he want to go with you to New York?

22 A. I don't think so, no.

23 Q. At line 56 Mr. Martinez says, "What is it that he has,
24 four children?" In that sentence what did you understand
25 "children" to be talking about?

1 A. Four kilos.

2 Q. And in line 63 you say, "Not all the stuff passes, not
3 everything is good." What does that mean, not all the stuff
4 passes?

5 A. That not all the drug is good.

6 Q. Okay.

7 THE COURT: How much more direct do you have?

8 MR. AFRAME: So, I have several more calls. I'm about
9 to start another one.

10 THE COURT: No. We should stop. I have to get on a
11 conference call. So, we will reconvene at 2:00 p.m., and then
12 the usual up to 5:00 p.m. All right.

13 Anything for the Court? All right. See you at 2:00
14 p.m.

15 (Lunch recess taken at 1:00 p.m.)

16 (WHEREUPON, the proceedings adjourned)

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C E R T I F I C A T E

I, Brenda K. Hancock, RMR, CRR and Official Court Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of *U.S. v. Martinez*, No. 1:18-cr-00033-01-JL.

Date: 10/14/20

/s/ Brenda K. Hancock
Brenda K. Hancock, RMR, CRR
Official Court Reporter